



**CITY OF OKEECHOBEE**  
**PLANNING BOARD AND WORKSHOP**  
**55 SOUTHEAST THIRD AVENUE, OKEECHOBEE, FL 34974**  
**MARCH 19, 2020**  
**LIST OF EXHIBITS**

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<b>Draft Minutes</b>	Summary of Board Discussion November 21, 2019 and Summary of Board Action February 20, 2020
<b>Exhibit 1</b>	Comprehensive Plan Small Scale Future Land Use Map Amendment Application No. 20-002-SSA
<b>Exhibit 2</b>	Rezoning Petition No 20-001-R
<b>Exhibit 3</b>	Planning Staff Report Topic



**CITY OF OKEECHOBEE, FLORIDA  
NOVEMBER 21, 2019, PLANNING BOARD MEETING  
DRAFT SUMMARY OF BOARD DISCUSSION**

**I. CALL TO ORDER**

Chairperson Hoover called the Planning Board workshop for the City of Okeechobee to order on Thursday, November 21, 2019, at 6:05 P.M. in the City Council Chambers, 55 Southeast 3rd Avenue, Room 200, Okeechobee, Florida.

**A.** The Pledge of Allegiance was led by Chairperson Hoover.

**II. ATTENDANCE**

Board Secretary Burnette called the roll. Chairperson Dawn Hoover, Vice-Chairperson Doug McCoy, Regular Board Members Karyne Brass, Rick Chartier, Mac Jonassaint, and Alternate Board Member Jim Shaw were present. Regular Board Member Phil Baughman was absent without consent and Regular Board Member Les McCreary and Alternate Board Member Felix Granados were absent with consent.

CITY STAFF: City Planning Consultant Ben Smith was present and City Attorney John Cook was absent with consent.

**III. ITEMS OF DISCUSSION**

Mr. Ben Smith of LaRue Planning and Management Services was present as the City's Planning Consultant and briefly reviewed a Staff Report dated November 21, 2019 summarizing inconsistencies between the City's Future Land Use Map (FLUM) and the Zoning Map. Mr. Smith explained the City's FLUM should be a guide to future planning which reflects the City's desired patterns of land use. As such, the FLUM designates properties with broad land use categories, industrial, commercial, public, single family residential and multifamily residential, while the zoning map further implements the FLUM with more specific zoning categories or districts that fit within each future land use designation. Additionally, the actual existing land use of the property should be consistent with both the FLUM and the Zoning Map.

He continued, explaining throughout the City, there are properties with inconsistencies between the FLUM and zoning designations and properties with inconsistencies between map designations and the existing land use. Often, both types of inconsistencies exist on a single parcel. From his understanding, most of these inconsistencies resulted from a remapping that was done years ago, whereby perceived, unverified existing land use determinations were used as the basis for the remapping. These inconsistencies have been a persistent issue, causing problems for property owners and policy makers. Typically, it is incumbent upon a property owner to request a FLUM amendment or a rezoning and to cover the costs of the request. Under an owner-initiated request, the owner must pay an application fee and advertising costs, as well as provide evidence and support for the map change. Often, this necessitates that the owner hires a professional to navigate the process and provide the supporting documentation. However, since many properties were redesignated without any input from property owners, or adequate notification provided to the property owners, it could be viewed the City should be responsible to correct these inconsistencies as best possible with city-initiated map changes that are favorable for both the property owner and the community.

He presented two strategies that the City can adopt to address these issues. First, adopt a policy to allow property owners to request City initiated map changes. Under this course of action, the City would establish a program whereby property owners could approach the City and request that the City perform a city-initiated map change. Should staff find there is evidence of a map inconsistency that is not the result of actions by a present or previous property owner, then the City would initiate the map change and cover all related costs. Second, adopt a policy to notify property owners that the City will be initiating the map changes. Under this course of action, the City would identify map inconsistencies, decide on an appropriate map change, notify property owners that their property will be redesignated, then begin city-initiated map changes.

III. ITEMS OF DISCUSSION CONTINUED

Additionally, the Board needs to consider amending the City’s Comprehensive Plan to identify a Commercial Corridor Overlay and a Transitional Commercial Overlay. Many of these map inconsistencies are related to properties in and around the City’s commercial corridors, which are generally recognized as the area within two blocks of North Park Street (State Road 70) and Parrot Avenue (US Highway 441). Several years ago, the City began the process of amending the Future Land Use Element of the Comprehensive Plan to officially identify these areas and to set new policies. For several reasons, this proposed amendment was not adopted. However, Mr. Smith recommends that the City consider revisiting this proposal as it can provide guidance for the above map changes that are now being discussed.

The consensus of the Board after discussion was to move forward with the Comprehensive Plan Amendment to identify the areas as the Commercial Corridor Overlay and the Transitional Commercial Overlay corridors. In addition, pursue a program allowing property owners with map conflicts to request changes which would correct the conflicts and be consistent with the proposed Corridor Comprehensive Plan Amendment. The City would cover the costs of those map changes if they meet those criteria.

IV. There being no further items on the agenda, Chairperson Hoover adjourned the meeting at 6:50 P.M.

\_\_\_\_\_  
Dawn. T. Hoover, Chairperson

ATTEST:

\_\_\_\_\_  
Patty M. Burnette, Secretary

Please take notice and be advised that when a person decides to appeal any decision made by the Planning Board/Board of Adjustment and Appeals with respect to any matter considered at this proceeding, he/she may need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence upon which the appeal is to be based. General Services’ media are for the sole purpose of backup for official records.



# **CITY OF OKEECHOBEE, FLORIDA**

## **FEBRUARY 20, 2020, PLANNING BOARD MEETING**

### **DRAFT 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, February 20, 2020, at 6:05 P.M. in the City Council Chambers, 55 Southeast 3<sup>rd</sup> Avenue, Room 200, Okeechobee, Florida.

A. The Pledge of Allegiance was led by Chairperson Hoover.

#### **II. ATTENDANCE**

Planning Board Secretary Burnette called the roll. Chairperson Dawn Hoover, Vice-Chairperson Doug McCoy, Board Members Phil Baughman, Karyne Brass, Rick Chartier, and Mac Jonassaint were present. Alternate Board Member Jim Shaw was present. Board Member Les McCreary was absent with consent and Alternate Board Member Felix Granados was absent without consent.

CITY STAFF: City Attorney Carlyn Kowalsky and City Planning Consultant Ben Smith were present.

Chairperson Hoover moved Alternate Board Member Shaw to voting position.

#### **III. AGENDA**

A. A motion was made by Member Brass to defer to the next meeting scheduled for March 19, 2020 at 6:00 P.M., Public Hearing Item VI.B. and Quasi-Judicial Item VII.A. [Comprehensive Plan Small Scale Future Land Use Map (FLUM) Amendment Application No. 20-002-SSA, from Single Family Residential (SF) and Multi-Family Residential (MF) to Industrial on 2.87± acres located in the 500 to 600 blocks of Southwest 7<sup>th</sup> Avenue; and Rezoning Petition No. 20-001-R, from Residential Multiple Family (RMF) to Industrial on 2.87± acres located in the 500 to 600 blocks of Southwest 7<sup>th</sup> Avenue]; seconded by Member Baughman.

**Chairperson Hoover, Vice Chairperson McCoy, Board Members Baughman, Brass, Chartier, Jonassaint, and Shaw voted: Aye. Nays: None. Motion Carried.**

B. A motion was made to adopt the amended agenda by Member Baughman; seconded by Member Brass.

**Chairperson Hoover, Vice Chairperson McCoy, Board Members Baughman, Brass, Chartier, Jonassaint, and Shaw voted: Aye. Nays: None. Motion Carried.**

#### **IV. MINUTES**

A. A motion was made by Member Chartier to defer until the next meeting scheduled for March 19, 2020 at 6:00 P.M., the dispensing of the reading and approval of the Minutes for the November 21, 2019 Workshop; seconded by Member McCoy.

**Chairperson Hoover, Vice Chairperson McCoy, Board Members Baughman, Brass, Chartier, Jonassaint, and Shaw voted: Aye. Nays: None. Motion Carried.**

A motion was made by Member Brass to dispense with the reading and approve the December 19, 2019 Regular Meeting minutes seconded by Member Baughman.

**Chairperson Hoover, Vice Chairperson McCoy, Board Members Baughman, Brass, Chartier, Jonassaint, and Shaw voted: Aye. Nays: None. Motion Carried.**



## V. UNFINISHED BUSINESS

- A. Chairperson Hoover yielded the floor to City Planning Consultant Mr. Ben Smith of LaRue Planning and Management Services. He referenced his Staff Report explaining that each year the City is required to update its Five-Year Schedule of Capital Improvements in the Capital Improvements Element (CIE) of the Comprehensive Plan. This Schedule typically includes those capital expenditures the City Administrator feels are necessary to maintain the adopted Level of Service Standards identified in the Comprehensive Plan. These usually deal with public works types of improvements such as street paving, sidewalks, curb and gutter, stormwater/drainage, and recreation improvements. The City is also required to include in its Five-Year Schedule, the Okeechobee County School Capacity Program adopted by the School Board each year as part of its annual work plan. His recommendation is to update the CIE with the information provided on page 9-10 of Exhibit A which would replace page 9-8 of the current CIE. Page 9-9 of Exhibit A will be replaced with the new information received on page 9-11 by the School Board. There were no questions from the Board Members and no one from the Public offered comments.

A motion was offered by Member Brass to the recommend to the City Council approval of the updated schedule to the CIE Five-Year Schedule, finding it to be consistent with the Comprehensive Plan; seconded by Member McCoy.

**Chairperson Hoover, Vice Chairperson McCoy, Board Members Baughman, Brass, Chartier, Jonassaint, and Shaw voted: Aye. Nays: None. Motion Carried.** The recommendation will be forwarded to the City Council for consideration at a Public Hearing, tentatively April 7, 2020, 6:00 P.M.

## VI. CHAIRPERSON HOOVER OPENED THE PUBLIC HEARING AT 6:12 P.M.

- A. Mr. Smith briefly reviewed the Planning Staff Report for Comprehensive Plan Small Scale FLUM Amendment Application No. 20-001-SSA, which requests to change the Future Land Use (FLU) designation from SF Residential to Commercial, on 0.41± acres located at 604 Northeast Park Street and 1.26± acres located along Southeast 6<sup>th</sup> Avenue. He explained the area that is currently occupied by a Burger King restaurant and parking facilities is already designated Commercial on the FLUM. The remainder of that parcel and the entirety of the Southern parcel is designated SF Residential on the FLUM. The Applicant intends to demolish the existing structure and redevelop with a new Burger King restaurant with increased drive through and parking capacity. Utilizing 1.75 acres for redevelopment of the restaurant and associated parking facility and reserving 0.83 acres for future development. The existing Burger King structure is 2,720 square feet with 80 customer seats and a single lane drive through. The proposed structure is 3,910 square feet with 70 customer seats and dual drive through ordering lanes which merge into a single lane for payment and pickup. The applicant has not proposed a specific use for the remaining 0.83 acres that will be reserved for future development. Mr. Smith further commented that the Technical Review Committee reviewed the site plan this morning and made a motion for approval with approval of this FLUM change as a contingency.

The maximum standard density allowable in the SF Residential FLU Category is four units per acre or five if the units qualify as affordable housing. With the affordable housing bonus, maximum development potential for 1.67 acres would be eight single-family dwellings. However, in order to develop single family dwelling units at this property, a zoning map amendment would be required, as single family dwelling units are not permitted in the Heavy Commercial, (CHV) Zoning District; and since this property is located along the City's commercial corridor, it would not be appropriate to allow a change in the zoning of this property to single family. While the Commercial FLU category allows for a maximum floor area ratio (FAR) of 3.0, the CHV zoning district only allows a maximum building coverage of 50 percent and a maximum building height of 45 feet (without a special exception approval). These limitations allow for a potential four-story structure, a maximum FAR of 2.0 and a maximum floor area of approximately 145,000 square feet. However, given the parking requirements for most commercial uses and the maximum impervious surface ratio allowed in the CHV zoning district of 85 percent, it would be difficult to provide sufficient parking for 145,000 square feet of commercial use.

1. Mr. Robin Kendall, representative for the Applicant, Bravoflorida, LLC, was present and available for questions from the Board. There were none.
2. Chairperson Hoover opened the floor for public comment and there was none.
3. No Ex-Parte disclosures were offered from Board Members.
4. Planning Staff findings are as follows: The Application was found to be consistent with the City's Comprehensive Plan, specifically Policy 2.2 and Objective 12 of the FLU Element. The subject property is directly adjacent to State Road 70 (Park Street), which is one of the City's commercial corridors, and is adjacent to other existing non-residential uses. The continuation and expansion of the Burger King restaurant use is appropriate in this location and compatible with adjacent uses. Regarding adequacy of public facilities, services will continue to be provided by the Okeechobee Utility Authority (OUA) and there will be adequate excess capacity to accommodate the demand for potable water and wastewater treatment that would be associated with the proposed development. The Applicant has stated there are no wetlands on the site, and the site has no significant or unique characteristics regarding environmental sensitivity, wildlife habitat, or soil conditions. A small portion of the site adjacent to Taylor Creek is within a flood zone.

A traffic impact statement prepared by RAYSOR Transportation Consulting, LLC was submitted and indicates that the proposed redevelopment is expected to generate an increase of 336 net new daily external vehicle trips, 24 net new external AM peak hour trips, and 20 net new external PM peak hour trips. These projected increases are not expected to have a significant impact on the surrounding roadway network.

A motion was offered by Member Chartier to recommend approval to the City Council for Comprehensive Plan Small Scale FLUM Amendment Application No. 20-001-SSA, which requests to change the Future Land Use (FLU) designation from SF Residential to Commercial, on 0.41± acres located at 604 Northeast Park Street and 1.26± acres located along Southeast 6<sup>th</sup> Avenue and find it to be consistent with the Comprehensive Plan, reasonably compatible with adjacent uses, and consistent with the urbanizing pattern of the area; seconded by Member Jonassaint.

- a) The board offered no further discussion.
  - b) Chairperson Hoover, Vice Chairperson McCoy, Board Members Baughman, Brass, Chartier, Jonassaint, and Shaw voted: Aye. Nays: None. Motion Carried. The recommendation will be forwarded to the City Council for consideration at a Public Hearing, tentatively March 17, 2020, 6:00 P.M.
- B.** Comprehensive Plan Small Scale Future Land Use Map Amendment Application No 20-002-SSA, from Single Family Residential and Multi-Family Residential to Industrial on 2.87± acres located in the 500 to 600 blocks of Southwest 7<sup>th</sup> Avenue was deferred until the March 19, 2020 Regular Meeting.

## **VII. PUBLIC HEARING-QUASI-JUDICIAL ITEM**

- A.** Rezoning Petition No. 20-001-R was deferred until the March 19, 2020 Regular Meeting.

**CHAIRPERSON HOOVER CLOSED THE PUBLIC HEARING AT 6:17 P.M.**

- VIII.** There being no further items on the agenda, Chairperson Hoover adjourned the meeting at 6:17 P.M.

ATTEST:

\_\_\_\_\_  
Patty M. Burnette, Secretary

\_\_\_\_\_  
Dawn T. Hoover, Chairperson

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City of Okeechobee General Services Department 55 S.E. 3 <sup>rd</sup> Avenue, Room 101 Okeechobee, Florida 39974-2903 Phone: (863) 763-3372, ext. 218 Fax: (863) 763-1686	Date: <u>1-10-20</u>	Petition No. <u>20-002-SSA</u>
	Fee Paid:	Jurisdiction: <u>PB FCC</u>
	1 <sup>st</sup> Hearing: <u>2-20-20</u>	2 <sup>nd</sup> Hearing: <u>3-17-20</u>
	Publication Dates:	
	Notices Mailed: <u>N/A</u>	

## APPLICATION FOR COMPREHENSIVE PLAN AMENDMENT

### TO BE COMPLETED BY CITY STAFF:

Verified FLUM Designation: SF + MF

Verified Zoning Designation: RMF

- Plan Amendment Type:
- ☐ Large Scale (LSA) involving over 10 acres or text amendment
  - ☒ Small Scale (SSA) 10 acres or less
  - ☐ Small Scale (SSA) More than 10 but less than 20 acres if the proposed amendment will have a positive effect in addressing the problems of low per capita incomes, low average wages, high unemployment, instability of employment, and/or other indices of economically distressed communities.

### APPLICANT PLEASE NOTE:

Answer all questions completely and accurately. ***Please print or type responses.*** If additional space is needed, number and attach additional sheets. The total number of sheets in your application is: \_\_\_\_\_.

Submit 1 (one) copy of the complete application and amendment support documentation, including maps, to the General Services Department. Fifteen (15) copies of any documents over 11 X 17 are required to be submitted by the applicant.

I, the undersigned owner or authorized representative, hereby submit this application and the attached amendment support documentation. The information and documents provided are complete and accurate to the best of my knowledge.

✱

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature of Owner or  
Authorized Representative\*

\*Attach Notarized Letter of Owner's Authorization

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

City of Okeechobee  
General Services Department  
55 S.E. 3<sup>rd</sup> Avenue, Room 101  
Okeechobee, Florida 39974-2903  
Phone: (863) 763-3372, ext. 218  
Fax: (863) 763-1686

Date:	Petition No.
Fee Paid:	Jurisdiction:
1 <sup>st</sup> Hearing:	2 <sup>nd</sup> Hearing:
Publication Dates:	
Notices Mailed:	

## APPLICATION FOR COMPREHENSIVE PLAN AMENDMENT

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Verified FLUM Designation: \_\_\_\_\_

Verified Zoning Designation: \_\_\_\_\_

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I, the undersigned owner or authorized representative, hereby submit this application and the attached amendment support documentation. The information and documents provided are complete and accurate to the best of my knowledge.

Date

1/6/2020

Signature of Owner or  
Authorized Representative\*

*[Handwritten Signature]*

\*Attach Notarized Letter of Owner's Authorization

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

**I. APPLICANT/AGENT/OWNER INFORMATION**

LOUMAX DEVELOPMENT INC

**Applicant**

P.O. BOX 5501

Address

Fort Lauderdale

FL

33310

City

State

Zip

954-347-1077

NJMARKUS@GMAIL.COM

Telephone Number

Fax Number

E-Mail

STEVEN L. DOBBS

**Agent\***

209 NE 2ND STREET

Address

OKEECHOBEE

FL

34972

City

State

Zip

863-824-7644

SDOBBS@STEVEDOBBSENGINEERING.COM

Telephone Number

Fax Number

E-Mail

*Ruth G. Spradley & Gale B. Nemece*  
%-NEMEC CHILDRENS TRUST

**Owner(s) of Record**

5243 EUROPA DRIVE, UNIT P

Address

BOYNTON BEACH

FL

33437

City

State

Zip

863-634-4497

Telephone Number

Fax Number

E-Mail

Name, address and qualification of additional planners, architects, engineers, environmental consultants, and other professionals providing information contained in this application.

\*This will be the person contacted for all business relative to the application.

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

**II. REQUESTED CHANGE (Please see Section V. Fee Schedule)**

**A. TYPE:** (Check appropriate type)

☐ Text Amendment

☒ Future Land Use Map (FLUM) Amendment

**B. SUMMARY OF REQUEST** (Brief explanation):

TO CHANGE THE FUTURE LAND USE OF THE 2.87 ACRES OF THE THREE PARCELS FROM  
RESIDENTIAL MULTI FAMILY TO INDUSTRIAL

*SF & MF to Industrial*

**III. PROPERTY SIZE AND LOCATION OF AFFECTED PROPERTY** (for amendments affecting development potential of property)

**A. PROPERTY LOCATION:**

1. Site Address: 500-600 BLOCK OF SW 7TH AVE , OKEECHOBEE, FL 34974

2. Property ID #(s): 3-15-37-35-0010-01910-0010, 3-21-37-35-0020-02510-0130,  
3-15-37-35-0010-01900-0010

**B. PROPERTY INFORMATION** (Note: Property area should be to the nearest tenth of an acre. For properties of less than one acre, area should be in square feet.)

1. Total Area of Property: 2.87 ACRES

2. Total Area included in Request: 2.87 ACRES

a. In each Future Land Use (FLU) Category: \_\_\_\_\_

(1) \_\_\_\_\_

(2) \_\_\_\_\_

(3) \_\_\_\_\_

(4) \_\_\_\_\_

b. Total Uplands: 2.87 ACRES

c. Total Wetlands: 0

Residential /  
multiple Family

3. Current Zoning: SINGLE FAMILY RESIDENTIAL & MULTI-FAMILY RESIDENTIAL  
4. Current FLU Category: MULTI FAMILY RESIDENTIAL *Single Family Residential*  
5. Existing Land Use: VACANT  
6. Requested FLU Category: INDUSTRIAL

**D. MAXIMUM DEVELOPMENT POTENTIAL OF THE SUBJECT PROPERTY**

Development Type	Existing FLU Category	Proposed FLU Category
Residential	2.87	0
Density (DU/Acre)	10	0
Number of Units	29	0
Commercial (sq.ft.)	0	0
Industrial (sq. ft.)	0	187.5 KSQ/FT

**IV. AMENDMENT SUPPORT DOCUMENTATION**

At a minimum, the application shall include the following support data and analysis. These items are based on the submittal requirements of the State of Florida, Department of Community Affairs for a comprehensive plan amendment, and policies contained in the City of Okeechobee Comprehensive Plan. Staff will evaluate this request based on the support documentation provided by the applicant.

**A. GENERAL INFORMATION AND MAPS**

**Unless otherwise specified, the Applicant must provide the following materials for any proposed amendment that will affect the development potential of properties. If large maps are submitted, the Applicant may be required to provide 8.5" x 11" maps for inclusion in public hearing packets.**

1. Wording of any proposed text changes.
- ✓ 2. A map showing the boundaries of the subject property, surrounding street network, and Future Land Use designations of surrounding properties.
- ✓ 3. A map showing existing land uses (not designations) of the subject property and surrounding properties.
- ✓ 4. Written descriptions of the existing land uses and how the proposed Future Land Use designation is consistent with current uses and current Future Land Use designations.
- ✓ 5. Map showing existing zoning of the subject property and surrounding properties.
- ✓ 6. Certified property boundary survey; date of survey; surveyor's name, address and phone number; and legal description(s) for the property subject to the requested change.

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



- ✓ 7. A copy of the deed(s) for the property subject to the requested change.
- ✓ 8. An aerial map showing the subject property and surrounding properties.
- ✓ 9. If applicant is not the owner, a notarized letter from the owner of the property authorizing the applicant to represent the owner.

**B. PUBLIC FACILITIES IMPACTS**

**Note:** The applicant must calculate public facilities impacts based on a maximum development scenario.

- ✓ 1. Traffic Analysis
  - a. For Small Scale Amendments (SSA)
    - (1) The Applicant shall estimate traffic volumes associated with the proposed change using the most recent edition of Trip Generation prepared by the Institute of Traffic Engineers and assuming maximum development potential of the property.
    - (2) If the proposed Future Land Use change will result in an increase of 100 or more peak hour vehicle trip ends in excess of that which would result under the current Future Land Use designation, the Applicant shall attach a Traffic Impact Study prepared by a professional transportation planner or transportation engineer
  - b. For Large Scale Amendments (LSA)

All LSAs shall be accompanied by a Traffic Impact Study prepared by a professional transportation planner or transportation engineer.
  - c. Traffic Impact Studies are intended to determine the effect of the proposed land use change on the city's roadway network and the city's ability to accommodate traffic associated with the proposed change over a ten-year planning period.
  - d. An inability to accommodate the necessary modifications within the financially feasible limits of the city's plan will be a basis for denial of the requested land use change;
- 2. Provide estimates of demand associated with maximum potential development of the subject property under the current and proposed Future Land Use designations for provision potable water, sanitary sewer, and recreation/open space as follows:
  - a. Potable Water and Sanitary Sewer demand based on:
    - (1) 114 gallons per person per day (gppd) for residential uses
    - (2) 0.15 gallons per day per square foot of floor area for nonresidential uses
  - b. Recreation, and Open Space demand for residential uses of 3 acres per thousand peak season population.

3. Provide a letter from the appropriate agency substantiating the adequacy of the existing and proposed facilities, to support development resulting from the proposed change, including:

- ✓ a. Solid Waste;
- ✓ b. Water and Sewer;
- ✓ c. Schools.

In reference to above, the applicant should supply the responding agency with the information from Section's II and III for their evaluation, as well as estimates of maximum population and nonresidential square footage developable under the existing and proposed Future Land Use categories. The application should include the applicant's correspondence to the responding agency.

**C. ENVIRONMENTAL IMPACTS**

Proposed plan amendments shall be accompanied by evidence that the following studies either have been completed for another permitting agency or are not relevant to the property.

There shall be inventories of:

- ✓ 1. Wetlands and aquifer recharge areas.
- ✓ 2. Soils posing severe limitations to development.
- ✓ 3. Unique habitat.
- ✓ 4. Endangered species of wildlife and plants.
- ✓ 5. Floodprone areas.

**D. INTERNAL CONSISTENCY WITH THE CITY OF OKEECHOBEE COMPREHENSIVE PLAN**

- ✓ 1. Discuss how the proposal affects established City of Okeechobee population projections.
- ✓ 2. List all goals and objectives of the City of Okeechobee Comprehensive Plan that are affected by the proposed amendment. This analysis should include an evaluation of all relevant policies under each goal and objective.
- ✓ 3. Describe how the proposal affects the County's Comprehensive Plan as it relates to adjacent unincorporated areas.
- ✓ 4. List State Policy Plan and Regional Policy Plan goals and policies that are relevant to this plan amendment.

**E. JUSTIFICATION OF PROPOSED AMENDMENT**



Justify the proposed amendment based upon sound planning principles. Be sure to support all conclusions made in this justification with adequate data and analysis.

**V. FEE SCHEDULE**

Large Scale Amendment (LSA)	\$4,000.00 plus \$30.00 per acre
Small Scale Amendment (SSA)	\$850.00 plus \$30.00 per acre
Text Amendment Flat Fee	\$2,000.00 each

**VI. AFFIDAVIT**

I, NEAL MARKUS, certify that I am the owner or authorized representative of the property described herein, and that all answers to the questions in this application and any sketches, data, or other supplementary matter attached to and made a part of this application, are honest and true to the best of my knowledge and belief. I also authorize the staff of the City of Okeechobee to enter upon the property during normal working hours for the purpose of investigating and evaluating the request made through this application.

\_\_\_\_\_  
Signature of Owner or Authorized Agent

\_\_\_\_\_  
Date

NEAL MARKUS

\_\_\_\_\_  
Typed or Printed Name

STATE OF FLORIDA

COUNTY OF OKEECHOBEE

The foregoing instrument was certified and subscribed before me this \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_, by \_\_\_\_\_, who is personally known to me or who has produced \_\_\_\_\_ as identification.

\_\_\_\_\_  
Notary Public

\_\_\_\_\_  
Printed Name of Notary Public

Commission Expires on: \_\_\_\_\_

**E. JUSTIFICATION OF PROPOSED AMENDMENT**

Justify the proposed amendment based upon sound planning principles. Be sure to support all conclusions made in this justification with adequate data and analysis.

**V. FEE SCHEDULE**

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NEAL MARKUS  
Signature of Owner or Authorized Agent

1/6/2020  
Date

NEAL MARKUS

Typed or Printed Name

STATE OF FLORIDA

COUNTY OF OKEECHOBEE

The foregoing instrument was certified and subscribed before me this 6 day of JAN. 2020, by MARKUS-J. NEAL, who is personally known to me or who has produced FLDL as identification.



[Signature]  
Notary Public

Printed Name of Notary Public

Commission Expires on: Oct. 08-2020

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

**Loumax Development, Inc.**

**City of Okeechobee Comp Plan Amendment Support Documentation**

**A. General Information and Maps**

**Unless otherwise specified, the Applicant must provide the following materials for any proposed amendment that will affect the development potential of properties. If large maps are submitted, the Applicant may be required to provide 8.5" x 11" maps for inclusion in public hearing packets.**

**1. Wording of any proposed text changes.**

None proposed.

**2. A map showing the boundaries of the subject property, surrounding street network, and Future Land Use designations of surrounding properties.**

Attached

**3. A map showing existing land uses (not designations) of the subject property and surrounding properties.**

Attached

**4. Written descriptions of the existing land uses and how the proposed Future Land Use designation is consistent with current uses and current Future Land Use designations.**

To the north is a parcel that has a Future Land Use (FLU) of Industrial and is being used as an Industrial use. To the east of this parcel are single family residences with a FLU of Single family. To the south, all the land has a FLU of Multi Family with a vacant structure that used to be a childcare facility. To the west there is a parcel, undeveloped, but with a FLE of Multi Family.

The proposed Future Land Use designation is consistent with the current major developed uses in the area and to the largest extent the surrounding parcels are vacant or undeveloped, with the exception to the east.

**5. Map showing existing zoning of the subject property and surrounding properties.**

Attached

6. **Certified property boundary survey; date of survey; surveyor's name, address and phone number; and legal description(s) for the property subject to the requested change.**

Attached

7. **A copy of the deed(s) for the property subject to the requested change.**

Attached

8. **An aerial map showing the subject property and surrounding properties.**

Attached

9. **If applicant is not the owner, a notarized letter from the owner of the property authorizing the applicant to represent the owner.**

~~N/A~~ Attached

#### **B. Public Facilities Impacts**

**Note:** The applicant must calculate public facilities impacts based on a maximum development scenario.

##### **1. Traffic Analysis**

###### **a. For Small Scale Amendments (SSA)**

- (1) **The Applicant shall estimate of traffic volumes associated with the proposed change using the most recent edition of Trip Generation prepared by the Institute of Traffic Engineers and assuming maximum development potential of the property.**

The existing FLU for the proposed property is 2.87 acres of Single Family on blocks 190 and 191, but the western parcel has a FLU of Multi Family. Blocks 190 and 191 total 1.27 acres and the maximum density of the FLU Single family has a maximum density of 5 units per acre, which would yield a total of 6 units. While the western parcel of 1.60 acres has a FLU of Multi Family that has a maximum density of 10 units to the acre for a total of 16 units. For a total traffic count of 163 daily trips and 16 peak PM hour trips. The proposed FLU Industrial for these parcels would have a maximum density of 187.5 KSF with a maximum of 3 stories according to the City's Comprehensive Plan, which would yield a total of 1,307

daily trips with a peak hour of 182 trips. This represents an increase of 1,144 daily trips and 166 peak hour trips.

- (2) If the proposed Future Land Use change will result in an increase of 100 or more peak hour vehicle trip ends in excess of that which would result under the current Future Land Use Designation, the applicant shall attach a Traffic Impact Study Prepared by a professional transportation planner or transportation engineer.**

While the proposed project at maximum density will generate more than an additional 100 trips per peak hour, a traffic study will be presented at site plan, if needed as the current owner does not plan to build 3 stories.

**b. For Large Scale Amendments (LSA)**

**All LSAs shall be accompanied by a Traffic Impact Study prepare by a professional transportation planner or transportation engineer.**

N/A

- c. Traffic Impact Studies are intended to determine the effect of the proposed land use change on the city's roadway network and the city's ability to accommodate traffic associated with the proposed change over a ten-year planning period.**

Acknowledged.

- d. An inability to accommodate the necessary modifications within the financially feasible limits of the city's plan will be a basis for denial of the requested land use change.**

Acknowledged.

**2. Provide estimates of demand associated with maximum potential development of the subject property under the current and proposed Future Land Use designations for provision potable water, sanitary sewer, and recreation/open space as follows:**

**a. Potable water and Sanitary Sewer demand based on:**

- (1) 114 gallons per person per day (gppd) for residential uses**

**Assume 2.5 residents per household**

Current =  $22 * 285 = 6,270$  gpd

Future =  $0 * 285 = 0$  gpd



**(2) 0.15 gallons per day per square foot of floor area for nonresidential uses**

Current  $0 * 0.15 = 0$  gpd

Future  $187.5 \text{ KSF} * 0.15 = 28,125$  gpd

This represents an increase of 21,855 gpd

**b. Recreation, and Open Space demand for residential uses of 3 acres per thousand peak season population.**

The proposed project is industrial and has no open space requirements.

**3. Provide a letter from the appropriate agency substantiating the adequacy of the existing and proposed facilities, to support development resulting from the proposed change, including:**

**a. Solid Waste;**

Please see attached letter from Waste Management.

**b. Water and Sewer:**

The impact of the potential FLU change is addressed in the letter provided by OUA.

**c. Schools.**

There will be a net reduction in student potential with this changing the FLU from residential to Industrial

**C. Environmental Impacts**

**Proposed plan amendments shall be accompanied by evidence that the following studies have been completed for another permitting agency or are not relevant to the property.**

**There shall be inventories of:**

**1. Wetlands and aquifer recharge areas.**

Please see the attached wetland map from the US Fish and Wildlife Service. From this map, there appear to be no wetlands on the subject parcel.

**2. Soils posing severe limitations to development**

There are two soils present at this site from the attached NRCS Websoil Survey, Immokalee Fine Sand, 0 to 2 percent slopes, and Myakka Fine Sand, 0 to 2 percent slopes. These soils do not appear to have any limitation to development.

**3. Unique habitat.**

This parcel is undeveloped but provides no unique habitat.

**4. Endangered species of wildlife and plants.**

Since everything around this parcel has been partially developed for many years and with all the development around it, it does not provide the conducive habitat for endangered species.

**5. Floodprone areas.**

According to the attached FEMA map 12093C0480C, the subject parcels are within Zone X and shown as an area of minimal flooding.

**D. Internal Consistency with the City of Okeechobee Comprehensive Plan**

**1. Discuss how the proposal affects established City of Okeechobee population projections.**

This parcel is currently undeveloped. With the anticipated Industrial project, no residents will be added to the City population. No adverse impacts to the City population projections are expected, with the projections in line with the Cities anticipated growth and concurrency projections.

**2. List all goals and objectives of the City of Okeechobee Comprehensive Plan that are affected by the proposed amendment. This analysis should include an evaluation of all relevant policies under each goal and objective.**

There is no effect to the Comprehensive Plan Amendment's Policies and Objectives from this request. The minimal increase in density will not change the ability of the city or any other utilities to provide available water, sewer, or roads.

**3. Describe how the proposal affects the County's Comprehensive Plan as it relates to adjacent unincorporated areas.**

This project is an undeveloped parcel but will have very limited impact to the County's Comprehensive plan.

**4. List State Policy Plan and Regional Policy Plan goals and policies that are relevant to this plan amendment.**

Since the City's Comprehensive Plan has been found to be consistent with all state requirements, this application is also consistent with the State Policy Plan and Regional Policy Plan Goals. Since the major concern as stated in Chapter 163.006 (5)(I) is to discourage Urban Sprawl, this application can hardly be classified as Urban Sprawl since it is simply undeveloped land inside the City Limits for development or infill, which is the preferred development pattern.

#### **E. Justification of Proposed Amendment**

**Justify the proposed amendment based upon sound planning principles. Be sure to support all conclusions made in this justification with adequate data and analysis.**

##### *Proposed Conditions*

For the proposed Industrial Land Use designation, the maximum development is approximately 50% building coverage, 3 stories.

L 1.2.d.

Use	Measure	Rate	Gallons per Day
Single Family/Multifamily (Existing)	22 Units @ 2.5 people per unit	114 gppd	6,270 gpd – water/sewer
Industrial (Proposed)	187.5 KSF	15 GPD per 100 sf	28,125 gpd – water/sewer
Net Impact			21,855 gpd – water/sewer

#### **Water and Wastewater Treatment Plants**

Based on the information obtained from Okeechobee Utility Authority, the permitted capacity of the surface water treatment plant is 5.0 mgd with the ground water treatment plant rated at 1.0 mgd. The wastewater treatment plant permitted capacity is currently 3.0 mgd.

The maximum daily flow of the combined water treatment plant finished water production is 3.89 mgd for the period of April 2018 through March 2019. The average daily flow of the wastewater treatment plant is 0.916 mgd of the 3 mgd plant for the same time period.

**Police**

The nearest City Police station is located at 50 SE 2nd Avenue. No additional Police stations are scheduled. The existing Police station should be able to maintain its level of service standard with the proposed amendment given that the project is immediately adjacent to an existing area already designated for commercial uses. Service availability from the Police Department will be determined by the local government review.

**Fire**

The nearest fire station is located at 55 SE 3rd Avenue. No additional fire stations are scheduled. The existing fire station should be able to maintain its level of service standard with the proposed amendment given that the project is immediately adjacent to an existing area already designated for commercial uses. Service availability from the Fire Department will be determined by the local government review.

**Solid Waste**

Waste Management operates the regional solid waste landfill. Waste Management has previously indicated they have a 100-year capacity left in their facility.

**Stormwater Management**

The project is located in the City of Okeechobee and according to the attached FIRM panel 12093C0480C, this parcel is in Flood Zone X.

There are no wellfields within 1,000 feet of the parcel.

Potential adverse impacts to ground and surface waters will be minimized by implementation of appropriate erosion control measures during construction in accordance with the NPDES Generic Permit for Stormwater Discharge from Large and Small Construction Activities. Erosion control measures that may be implemented include stabilization practices such as temporary seeding, permanent seeding, mulching, geotextiles, or sod stabilization; structural practices such as silt fences, earth dikes, diversions, swales, sediment traps, check dams, or storm drain inlet protection; and sediment basins.

Stormwater runoff quantity and quality are strictly regulated by the City and the SFWMD to ensure that pre-development drainage conditions are maintained. The proposed rate of discharge from the site will be less than or equal to the existing discharge rate from the site. The discharges off-site will be minimized by on-site detention within the stormwater management system. The drainage system will be owned, operated and maintained by the owner, who's past record of compliance has been shown to be a responsible property owner and should be acceptable to the City and the SFWMD. The Stormwater Management System will employ, wherever practical, a variety of Best Management Practices (BMP). The following are a list of potential BMP that could be integrated into the Water Management System during the final design and permitting stage:

- Oil and grease skimmers;
- Environmental swales;
- Minimize “short-circuiting” of pond flow patterns;
- Raised storm inlets in grassed swales;
- Utilize stormwater retention where feasible; and
- Street cleaning and general site maintenance.

### **Parks and Recreation**

This will be an industrial development with no Park and Recreation requirement.

### **Hurricane Preparedness**

This project is located outside any project storm surge areas within the City of Okeechobee. The current Florida Building Code requires impact windows and doors, if the residents desire to remain in the units, but management will encourage them to leave.

### **Miscellaneous Data**

#### **Parcel Control Numbers Subject to this Application**

3-15-37-35-0010-01910-0010, 3-21-37-35-0020-02510-0130, and 3-15-37-35-0010-01900-0010

#### **Legal Description**

Please refer to the attached legal and sketches that comprise this application for future land use amendment.



NEMEC Children's Trust  
City of Okeechobee Future Land Use Amendment Surrounding Property Owners **FLU Exhibit**





NEMEC Children's Trust  
City of Okeechobee Land Use Amendment Surrounding Property Owners Land Use Exhibit

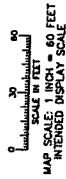




NEMEC Children's Trust  
City of Okeechobee Surrounding Property Owners Zoning Exhibit



*BOUNDARY SURVEY PREPARED FOR  
LOUMAX DEVELOPMENT, INC.*



LOTS 1 THROUGH 6, INCLUSIVE, BLOCK 190, OKEECHOBEE, ACCORDING TO THE PLAT THEREOF RECORDED IN PLAT BOOK 5, PAGE 5 OF THE PUBLIC RECORDS OF OKEECHOBEE COUNTY, FLORIDA.

ALL OF BLOCK 191, OKEECHOBEE, ACCORDING TO THE PLAT THEREOF  
RECORDED IN PLAT BOOK 5, PAGE 5 OF THE PUBLIC RECORDS OF  
OKEECHOBEE COUNTY, FLORIDA.

A PORTION OF THE FLORIDA EAST COAST RAILWAY COMPANY RIGHT-OF-WAY, SINCE ABANDONED, AND OF NORTH CURVE STREET, SINCE ABANDONED, AS SHOWN ON PLAT OF FIRST ADDITION TO OKEECHOBEE, FLORIDA, AS RECORDED IN PLAT BOOK 5, PAGE 6, OF THE PUBLIC RECORDS OF OKEECHOBEE COUNTY, FLORIDA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

PROJECT SPECIFIC NOTES:

1) UNLESS SHOWN OTHERWISE, ALL DIMENSIONS ARE CALCULATED(C) AND MEASURED(M).

2) SITE ADDRESS: NOT ASSIGNED AT TIME OF SURVEY.

3) F.I.R.M. ZONE: "X", MAP NO. 12093C0480C, DATED 07/16/15.

7. THIS SURVEY IS NOT INTENDED TO DEPICT JURISDICTIONAL AREAS OR OTHER AREAS OF LOCAL CONCERN.

5) SURVEYOR ASSUMES NO RESPONSIBILITY OR LIABILITY FOR THE ACCURACY OF EASEMENT DIMENSIONS SHOWN HEREON, THERE MAY BE OTHER EASEMENTS OR RESTRICTIONS THAT AFFECT THIS PARCEL.

6) THE SURVEY DEPICTED HERE IS NOT COVERED BY PROFESSIONAL LIABILITY INSURANCE. ADDITIONS OR DELETIONS TO SURVEY MAPS OR REPORTS BY OTHER THAN THE SIGNING PARTY OR PARTIES IS PROHIBITED WITHOUT WRITTEN CONSENT OF THE SIGNING PARTY OR PARTIES.

7) DATE OF LAST FIELD SURVEY: 12/30/19.

SHEET NO: 1  
SCALE: 1" =  
JOB NO: 33421

DESCRIPTION	DWG. DATE	BY	CK
BOUNDARY SURVEY	01/02/20	WC	KAB
REVISE LEGAL DESCRIPTION		WC	RB
JOB NO. 33421 SCALE: 1" = 60' FILE: 33421			

**TRADEWINDS SURVEYING SERVICES, LLC.**

200 S.W. 3rd Avenue  
Okeechobee, FL 34974  
Tel: (863) 763-2887  
Fax: (863) 763-4342  
Email: kab.twps@yahoo.com



Richard Barnes, III, PSM 7074

[illegible]

# 20-002-SSA

This Instrument prepared by:

JAMES NEMEC, ESQUIRE  
2001 Palm Beach Lakes Blvd., #400  
West Palm Beach, Florida 33409

222090

FILED FOR RECORD  
OKEECHOBEE CO. FL.

90 AUG 31 PM 2:01

GLORIA J. FORD  
CLERK OF CIRCUIT COURT

Warranty Deed,

made this 26<sup>th</sup> day of August, 1990.

Between JAMES NEMEC and RUTH B. NEMEC, his wife

having an address at County of Palm Beach, State of Florida, grantor,\*

and RUTH GENEVIEVE SPRADLEY and GALE BARTLETT NEMEC, as Trustees, grantee\*,

whose post office address is 7530 Clarke Road, Lake Clarke Shores, FL. 33406

**Witnesseth:** That the grantor, for and in consideration of the sum of \$ 10.00 and other good and valuable considerations, receipt whereof by grantor is hereby acknowledged, has granted, bargained and sold to grantee, and grantee's heirs, legal representatives, successors and assigns forever, the following described land, situate, lying and being in Okeechobee County, Florida: All of Block 191, TOWN OF OKEECHOBEE, according to the plat thereof recorded in Plat Book 2, Page 17, St. Lucie County, Florida, public records, lying in Okeechobee County.

That portion of the Florida East Coast Railway Company Right-of-way, since abandoned, and of North Curve Street, since abandoned, as shown on Plat of First Addition to Okeechobee, Florida, as recorded in Plat Book 2, page 26, of the Public Records of Saint Lucie County, Florida, and in Plat Book 1, page 11, of the Public Records of Okeechobee County, Florida, which is bounded on the West by the Northerly extension of the West Line of Block 251 (same also being a part of the East line of a tract of land known as the STATION GROUNDS of said Railway Company), and on the South by a line extending from the Southernmost point of Block 191, as shown on the Plat of the Town of Okeechobee, as recorded in Plat Book 2, page 17, of the Public Records of St. Lucie County, Florida, and in Plat Book 1, page 10, of the Public Records of Okeechobee County, Florida, in a Westerly direction, said line being North of and parallel with the Westerly extension of the North line of Third Street, and which is bounded on the North by the Westerly extension of the North line of Fifth Street, of said Town of Okeechobee aforesaid and all that part of Fourth Street and Fifth Street lying West of Seventh Avenue in said town of Okeechobee. Lots 1 to 6, inclusive of Block 190, OKEECHOBEE, according to the plat thereof re-recorded in Plat Book 2, page 17 of the public records of St. Lucie County, Florida.

**Together** with all tenements, hereditaments and appurtenances thereto belonging or in anywise appertaining.

**To Have and to Hold**, the same in fee simple forever.

**And** the grantor hereby covenants with said grantee that grantor is lawfully seized of said land in fee simple; that grantor has good right and lawful authority to sell and convey said land; that grantor hereby fully warrants the title to said land and will defend the same against the lawful claims of all persons whomsoever; and that, except as above noted, said land is free from all encumbrances.

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

**In Witness Whereof**, grantor has hereunto set grantor's hand and seal the day and year first above written.

Signed, sealed and delivered in our presence:

Ray Greenberg  
Ray Greenberg  
Linda Pearson  
Linda Pearson

James NemeC  
James NemeC  
Ruth B. NemeC  
Ruth B. NemeC

STATE OF FLORIDA  
COUNTY OF PALM BEACH

The foregoing instrument was acknowledged before me this 26 day of August, 1990, by JAMES NEMEC and RUTH B. NEMEC, his wife.

Ray Greenberg  
Notary Public

My commission expires:  
NOTARY PUBLIC STATE OF FLORIDA  
MY COMMISSION EXP JUNE 22, 1993  
BONDED THRU GENERAL INS. UND.



NEMEC Children's Trust  
City of Okeechobee Future Land Use Amendment **Aerial Exhibit**





**City of Okeechobee**  
**55 SE 3<sup>rd</sup> Avenue**  
**Okeechobee, FL 34974**  
**Tele: 863-763-3372 Fax: 863-763-1686**

### LAND USE POWER OF ATTORNEY

**Name of Property Owner(s):** NEMEC CHILDRENS TRUST

**Mailing Address:** 608 HARBOUR POINT WAY, GREENACRES, FL 33413

**Home Telephone:**                      **Work:**                      **Cell:** 863-634-4497

**Property Address:** 500-600 BLOCK OF SW 7TH AVENUE

**Parcel ID Number:** 3-15-37-35-0010-01910-0010, 3-21-37-35-0020-02510-0130, 3-15-37-35-0010-01900-0010

**Name of Applicant:** LOUMAX DEVELOPMENT INC

**Home Telephone:**                      **Work:**                      **Cell:** 954-347-1077

The undersigned, being the record title owner(s) of the real property described above, do hereby grant unto the applicant stated above the full right and power of attorney to make application to the City of Okeechobee to change the land use of said property. This land use change may include rezoning of the property, the granting of special exception or variances, and appeals of decisions of the Planning Department. It is understood that conditions, limitations and restrictions may be place upon the use or operation of the property. Misstatements upon application or in any hearing may result in the termination of any special exception or variance and a proceeding to rezone the property to the original classification. This power of attorney may be terminated only by a written and notarized statement of such termination effective upon receipt by the Planning Department.

IN WITNESS WHEREOF THE UNDERSIGNED HAVE SET THEIR HAND AND SEALS THIS 21  
 DAY OF December 2019

[Signature]  
 OWNER

[Signature]  
 WITNESS

OWNER

[Signature]  
 WITNESS

Before me the undersigned authority personally appeared the owner(s) named above who upon being duly sworn acknowledged before me that they are the owner(s) of the real property described above and that they executed the power of attorney for the purpose stated therein. Sworn and subscribed this 21<sup>st</sup> day of December 2019.

**Notary Public:** [Signature]  
**Commission Expires:** 09/09/21



Commission # GG 102811  
 Expires September 9, 2021  
 Bonded Thru Budget Notary Services



[Department of State](#) / [Division of Corporations](#) / [Search Records](#) / [Detail By Document Number](#) /

## Detail by Entity Name

Florida Profit Corporation

**LOUMAX DEVELOPMENT, INC.**

### Filing Information

**Document Number** P01000028001  
**FEI/EIN Number** 59-3707151  
**Date Filed** 03/19/2001  
**State** FL  
**Status** ACTIVE

### Principal Address

312 SW 7TH AVE  
OKEECHOBEE, FL 34974

Changed: 01/15/2007

### Mailing Address

P.O. BOX 5501  
FT LAUDERDALE, FL 33310

### Registered Agent Name & Address

FISHMAN, MICHAEL  
5064 NW 66 LN  
CORAL SPRINGS, FL 33067

### Officer/Director Detail

#### **Name & Address**

Title D

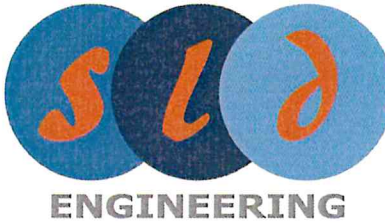
MARKUS, NEAL J  
1110 OYSTERWOOD ST  
HOLLYWOOD, FL 33019

Title D

FISHMAN, MICHEAL S  
5064 NW 66TH LANE  
CORAL SPRINGS, FL 33067

### Annual Reports

Report Year	Filed Date
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December 20, 2019

City of Okeechobee  
55 SE 3<sup>rd</sup> Avenue  
Okeechobee, FL 34974

**Subject: Loumax Development, Inc. Industrial Comp Plan Application Traffic Statement**

Dear Mr. Smith:

Steven L. Dobbs Engineering, LLC, has completed an analysis of the traffic generation statement for the above referenced facility. The project is to change the existing Future Land Use (FLU) from the existing Multi Family and Single Family to Industrial.

This analysis was based on a spreadsheet distributed by the Florida Department of Transportation, which is based on the Institute of Transportation Engineers (ITE) Trip Generation Manual (8<sup>th</sup> Edition). For the existing land use, the results indicate the existing 6 Single Family homes and 16 Apartments (ITE code 210 and 220 respectively) generates 163 total daily trips with 16 peak hour trips PM with 10 being in and 6 being out. For the proposed land use, the results indicate the 187.5 KSF of Light Industrial (ITE code 110) generates 1,307 total daily trips with 182 peak hour trips PM with 22 being in and 160 being out. For a change in Peak PM traffic of 1,144 total trips with 6 in and 154 being out.

Should you have any questions or comments, please do not hesitate to call.

Sincerely,

**Steven L. Dobbs Engineering**

Steven L. Dobbs, P. E.  
President

CC: Neal Markus  
File



**Instructions:**

Enter Numbers into the "Expected Units" in the Corresponding Yellow Column

**Trip Generation Rates from the 8th Edition ITE Trip Generation Report**

NA: Not Available

KSF<sup>2</sup>: Units of 1,000 square feet

DU: Dwelling Unit

Fuel Position: # of vehicles that could be fueled simultaneously

Occ.Room: Occupied Room

Description / ITE Code	Units	Rate Weekday Daily Traffic	PM Peak Period Rate	% PM In	% PM Out	Expected Units (independent variable)	Calculated Daily Trips	PM Peak Trips - Total	PM In	PM Out	Notes
Waterport/Marine Terminal 010	Berths	171.52	NA	NA	NA		0	NA	NA	NA	
Commercial Airport 021	Employees	13.40	0.80	54%	46%		0	0	NA	NA	
Commercial Airport 021	Avg Flights/Day	104.73	5.75	56%	44%		0	0	NA	NA	
Commercial Airport 021	Com. Flights/Day	122.21	6.88	54%	46%		0	0	NA	NA	
General Aviation Airport 022	Employees	14.24	1.03	45%	55%		0	0	NA	NA	
General Aviation Airport 022	Avg. Flights/Day	1.97	NA	NA	NA		0	NA	NA	NA	
General Aviation Airport 022	Based Aircraft	5.00	0.37	45%	55%		0	0	NA	NA	
Truck Terminal 030	Acres	81.90	6.55	43%	57%		0	0	NA	NA	Caution- Only 3 Studies
Park&Ride w/ Bus Service 090	Parking Spaces	4.50	0.62	22%	78%		0	0	NA	NA	
Park&Ride w/ Bus Service 090	Occ. Spaces	9.62	0.81	28%	72%		0	0	NA	NA	
Light Rail Station w/ Park 093	Parking Space	2.51	1.24	58%	42%		0	0	NA	NA	
Light Rail Station w/ Park 093	Occ. Spaces	3.91	1.33	58%	42%		0	0	NA	NA	
General Light Industrial 110	KSF <sup>2</sup>	6.97	0.97	12%	88%		0	0	NA	NA	
General Light Industrial 110	Employees	3.02	0.42	21%	79%		0	0	NA	NA	
General Heavy Industrial 120	KSF <sup>2</sup>	1.50	0.68	NA	NA		0	0	NA	NA	Caution-Only 3 Studies.
General Heavy Industrial 120	Employees	0.82	0.88	NA	NA		0	0	NA	NA	
Industrial Park 130	KSF <sup>2</sup>	6.96	0.86	21%	79%		0	0	NA	NA	
Industrial Park 130	Employees	3.34	0.46	20%	80%		0	0	NA	NA	
Manufacturing 140	KSF <sup>2</sup>	3.82	0.74	36%	64%		0	0	NA	NA	
Manufacturing 140	Employees	2.13	0.36	44%	56%		0	0	NA	NA	
Warehousing 150	KSF <sup>2</sup>	3.56	0.32	25%	75%		0	0	NA	NA	
Warehousing 150	Employees	3.89	0.59	35%	65%		0	0	NA	NA	
Mini Warehouse 151	KSF <sup>2</sup>	2.50	0.26	51%	49%		0	0	NA	NA	
Mini Warehouse 151	Storage Units	0.25	0.02	NA	NA		0	0	NA	NA	
Mini Warehouse 151	Employees	61.90	6.04	52%	48%		0	0	NA	NA	
High-Cube Warehouse 152	KSF <sup>2</sup>	1.44	0.10	33%	67%		0	0	NA	NA	
High-Cube Warehouse 152	Employees	NA	0.66	35%	65%		0	0	NA	NA	
Utilities 170	KSF <sup>2</sup>	NA	0.76	45%	55%		0	0	NA	NA	
Utilities 170	Employees	NA	0.76	90%	10%		0	0	NA	NA	
Single Family Homes 210	DU	9.57	1.01	63%	37%	6.0	57	6	4	2	
Single Family Homes 210	Vehicles	6.02	0.67	66%	34%		0	0	NA	NA	
Apartment 220	DU	6.65	0.62	65%	35%	16.0	106	10	6	3	
Apartment 220	Persons	3.31	0.40	NA	NA		0	0	NA	NA	
Apartment 220	Vehicles	5.10	0.60	NA	NA		0	0	NA	NA	
Low Rise Apartment 221	Occ.DU	6.59	0.58	65%	35%		0	0	NA	NA	
High Rise Apartment 222	DU	4.20	0.35	61%	39%		0	0	NA	NA	
Mid-Rise Apartment 223	DU	NA	0.39	58%	42%		0	0	NA	NA	
Rental Townhouse 224	DU	NA	0.72	51%	49%		0	0	NA	NA	Caution- Only 1 Study.
Resd. Condo/Townhouse 230	DU	5.81	0.52	67%	33%		0	0	NA	NA	
Resd. Condo/Townhouse 230	Persons	2.49	0.24	67%	33%		0	0	NA	NA	
Low Rise Resd. Condo 231	DU	NA	0.78	58%	42%		0	0	NA	NA	
High Rise Resd. Condo 232	DU	4.18	0.38	62%	38%		0	0	NA	NA	
Luxury Condo/Townhouse 233	Occ. DU	NA	0.55	63%	37%		0	0	NA	NA	
Mobile Home Park 240	DU	4.99	0.59	62%	38%		0	0	NA	NA	
Mobile Home Park 240	Persons	2.46	0.26	63%	37%		0	0	NA	NA	
Retirement Community 250	DU	NA	0.27	56%	44%		0	0	NA	NA	Caution- Only 1 Study
Elderly Housing-Detached 251	DU	3.71	0.27	61%	39%		0	0	NA	NA	Caution- Only 1 Study.
Congregate Care Facility 253	Occ.DU	2.15	0.17	56%	44%		0	0	NA	NA	Caution- Only 2 Studies
Elderly Housing- Attached 252	Occ.DU	3.48	0.16	60%	40%		0	0	NA	NA	Caution- Only 4 Studies
Recreational Homes 260	DU	3.16	0.26	41%	59%		0	0	NA	NA	
Residential PUD 270	DU	7.50	0.62	65%	35%		0	0	NA	NA	
Hotel 310	Occ. Room	8.92	0.70	49%	51%		0	0	NA	NA	
Hotel 310	Rooms	8.17	0.59	53%	47%		0	0	NA	NA	
Hotel 310	Employees	14.34	0.80	54%	46%		0	0	NA	NA	
All Suites Hotel 311	Occ.Room	6.24	0.55	42%	58%		0	0	NA	NA	Caution- Only 4 Studies
All Suites Hotel 311	Rooms	4.90	0.40	45%	55%		0	0	NA	NA	
Business Hotel 312	Occ. Room	7.27	0.62	60%	40%		0	0	NA	NA	Caution-Only 4 Studies
Business Hotel 312	Employees	72.67	7.60	60%	40%		0	0	NA	NA	
Motel 320	Occ.Room	9.11	0.58	53%	47%		0	0	NA	NA	
Motel 320	Rooms	5.63	0.47	54%	46%		0	0	NA	NA	
Motel 320	Employees	12.81	0.73	54%	46%		0	0	NA	NA	



**Instructions:**

Enter Numbers into the "Expected Units"  
in the Corresponding Yellow Column

**Trip Generation Rates from the 8th Edition ITE Trip Generation Report**

NA: Not Available

KSF<sup>2</sup>: Units of 1,000 square feet

DU: Dwelling Unit

Fuel Position: # of vehicles that could be fueled simultaneously

Occ.Room: Occupied Room

Description / ITE Code	Units	Rate Weekday Daily Traffic	PM Peak Period Rate	% PM In	% PM Out	Expected Units (independent variable)	Calculated Daily Trips	PM Peak Trips - Total	PM In	PM Out	Notes
Waterport/Marine Terminal 010	Berths	171.52	NA	NA	NA		0	NA	NA	NA	
Commercial Airport 021	Employees	13.40	0.80	54%	46%		0	0	NA	NA	
Commercial Airport 021	Avg Flights/Day	104.73	5.75	56%	44%		0	0	NA	NA	
Commercial Airport 021	Com. Flights/Day	122.21	6.88	54%	46%		0	0	NA	NA	
General Aviation Airport 022	Employees	14.24	1.03	45%	55%		0	0	NA	NA	
General Aviation Airport 022	Avg. Flights/Day	1.97	NA	NA	NA		0	NA	NA	NA	
General Aviation Airport 022	Based Aircraft	5.00	0.37	45%	55%		0	0	NA	NA	
Truck Terminal 030	Acres	81.90	6.55	43%	57%		0	0	NA	NA	Caution- Only 3 Studies
Park&Ride w/ Bus Service 090	Parking Spaces	4.50	0.62	22%	78%		0	0	NA	NA	
Park&Ride w/ Bus Service 090	Occ. Spaces	9.62	0.81	28%	72%		0	0	NA	NA	
Light Rail Station w/ Park 093	Parking Space	2.51	1.24	58%	42%		0	0	NA	NA	
Light Rail Station w/ Park 093	Occ. Spaces	3.91	1.33	58%	42%		0	0	NA	NA	
General Light Industrial 110	KSF <sup>2</sup>	6.97	0.97	12%	88%	187.5	1,307	182	22	160	
General Light Industrial 110	Employees	3.02	0.42	21%	79%		0	0	NA	NA	
General Heavy Industrial 120	KSF <sup>2</sup>	1.50	0.68	NA	NA		0	0	NA	NA	Caution-Only 3 Studies.
General Heavy Industrial 120	Employees	0.82	0.88	NA	NA		0	0	NA	NA	
Industrial Park 130	KSF <sup>2</sup>	6.96	0.86	21%	79%		0	0	NA	NA	
Industrial Park 130	Employees	3.34	0.46	20%	80%		0	0	NA	NA	
Manufacturing 140	KSF <sup>2</sup>	3.82	0.74	36%	64%		0	0	NA	NA	
Manufacturing 140	Employees	2.13	0.36	44%	56%		0	0	NA	NA	
Warehousing 150	KSF <sup>2</sup>	3.56	0.32	25%	75%		0	0	NA	NA	
Warehousing 150	Employees	3.89	0.59	35%	65%		0	0	NA	NA	
Mini Warehouse 151	KSF <sup>2</sup>	2.50	0.26	51%	49%		0	0	NA	NA	
Mini Warehouse 151	Storage Units	0.25	0.02	NA	NA		0	0	NA	NA	
Mini Warehouse 151	Employees	61.90	6.04	52%	48%		0	0	NA	NA	
High-Cube Warehouse 152	KSF <sup>2</sup>	1.44	0.10	33%	67%		0	0	NA	NA	
High-Cube Warehouse 152	Employees	NA	0.66	35%	65%		0	0	NA	NA	
Utilities 170	KSF <sup>2</sup>	NA	0.76	45%	55%		0	0	NA	NA	
Utilities 170	Employees	NA	0.76	90%	10%		0	0	NA	NA	
Single Family Homes 210	DU	9.57	1.01	63%	37%		0	0	NA	NA	
Single Family Homes 210	Vehicles	6.02	0.67	66%	34%		0	0	NA	NA	
Apartment 220	DU	6.65	0.62	65%	35%		0	0	NA	NA	
Apartment 220	Persons	3.31	0.40	NA	NA		0	0	NA	NA	
Apartment 220	Vehicles	5.10	0.60	NA	NA		0	0	NA	NA	
Low Rise Apartment 221	Occ.DU	6.59	0.58	65%	35%		0	0	NA	NA	
High Rise Apartment 222	DU	4.20	0.35	61%	39%		0	0	NA	NA	
Mid-Rise Apartment 223	DU	NA	0.39	58%	42%		0	0	NA	NA	
Rental Townhouse 224	DU	NA	0.72	51%	49%		0	0	NA	NA	Caution- Only 1 Study.
Resd. Condo/Townhouse 230	DU	5.81	0.52	67%	33%		0	0	NA	NA	
Resd. Condo/Townhouse 230	Persons	2.49	0.24	67%	33%		0	0	NA	NA	
Low Rise Resd. Condo 231	DU	NA	0.78	58%	42%		0	0	NA	NA	
High Rise Resd. Condo 232	DU	4.18	0.38	62%	38%		0	0	NA	NA	
Luxury Condo/Townhouse 233	Occ. DU	NA	0.55	63%	37%		0	0	NA	NA	
Mobile Home Park 240	DU	4.99	0.59	62%	38%		0	0	NA	NA	
Mobile Home Park 240	Persons	2.46	0.26	63%	37%		0	0	NA	NA	
Retirement Community 250	DU	NA	0.27	56%	44%		0	0	NA	NA	Caution- Only 1 Study
Elderly Housing-Detached 251	DU	3.71	0.27	61%	39%		0	0	NA	NA	Caution- Only 1 Study.
Congregate Care Facility 253	Occ.DU	2.15	0.17	56%	44%		0	0	NA	NA	Caution- Only 2 Studies
Elderly Housing- Attached 252	Occ.DU	3.48	0.16	60%	40%		0	0	NA	NA	Caution- Only 4 Studies
Recreational Homes 260	DU	3.16	0.26	41%	59%		0	0	NA	NA	
Residential PUD 270	DU	7.50	0.62	65%	35%		0	0	NA	NA	
Hotel 310	Occ. Room	8.92	0.70	49%	51%		0	0	NA	NA	
Hotel 310	Rooms	8.17	0.59	53%	47%		0	0	NA	NA	
Hotel 310	Employees	14.34	0.80	54%	46%		0	0	NA	NA	
All Suites Hotel 311	Occ.Room	6.24	0.55	42%	58%		0	0	NA	NA	Caution- Only 4 Studies
All Suites Hotel 311	Rooms	4.90	0.40	45%	55%		0	0	NA	NA	
Business Hotel 312	Occ. Room	7.27	0.62	60%	40%		0	0	NA	NA	Caution-Only 4 Studies
Business Hotel 312	Employees	72.67	7.60	60%	40%		0	0	NA	NA	
Motel 320	Occ.Room	9.11	0.58	53%	47%		0	0	NA	NA	
Motel 320	Rooms	5.63	0.47	54%	46%		0	0	NA	NA	
Motel 320	Employees	12.81	0.73	54%	46%		0	0	NA	NA	

**OKEECHOBEE LANDFILL, INC.**

10800 N.E. 128<sup>th</sup> Avenue  
Okeechobee, FL 34972  
(863) 357-0824

May 31, 2019

Steven L. Dobbs, P.E.  
President  
SLD Engineering

RE: Waste Management, Okeechobee Landfill Capacity

Mr. Dobbs,

The most recent Okeechobee Landfill Volume report calculated a total of 182,855,130 cubic yards of permitted remaining capacity. The calculations are based on an aerial survey of the active portion of the facility dated January 2, 2019 and a historic survey of the undeveloped portion of the facility dated December 27, 2010.

At the present waste intake 1,800,000 cyds/yr., we calculated an overall life of site of over 100 years. At an estimated 4.48 lbs MSW/day/person, (EPA 2015), the estimated impact from the development would be less than 600 cyds per year.

Waste Management, Okeechobee Landfill can easily meet the demand of the proposed development for the next 100 years.

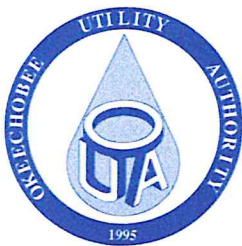
If you have any questions or concerns, feel free to contact us.

Regards,

A handwritten signature in blue ink, appearing to read 'Charles Orcutt', with a long, sweeping horizontal line extending to the right.

Charles Orcutt, P.E.  
Market Area Engineer  
Waste Management, Inc. of Florida  
863-824-4010  
[Corcuttl@wm.com](mailto:Corcuttl@wm.com)



**OKEECHOBEE UTILITY AUTHORITY**

100 SW 5th Avenue  
Okeechobee, Florida 34974-4221

(863) 763-9460  
FAX: (863) 467-4335

December 18, 2019

Mr. Steven L. Dobbs, P.E.  
SLD Engineering  
1062 Jakes Way  
Okeechobee, FL 34974

Ref: **Water Capacity Request**

Parcel ID: 3-15-37-35-0010-01910-0010  
3-15-37-35-0010-01900-0010  
3-15-37-35-0020-02510-0130

Site Address:  
±500 SW 7<sup>th</sup> Avenue  
Okeechobee, FL 34974


Dear Mr. Dobbs:

In reference to a request for the availability of water capacity to the subject property, I submit the following information for your use in meeting the potable water demand requirements for the project.

The Okeechobee Utility Authority owns and operates two water treatment plants with a combined treatment capacity of 6 MGD. During the twelve month period from April 2018 to March 2019, the maximum daily flow was 3.89 MGD, or about 65% of capacity. At the present time, the OUA has excess capacity at the treatment plants. The OUA has a potable water distribution main in the road right of way near the subject property. Any upgrade requirements to the water main due to the demands of the proposed project will be at the project owners' expense.

Should you have any questions, comments or concerns with regards to the water system capacity, please contact the OUA at 863-763-9460.

Sincerely,

  
John F. Hayford, P.E.  
Executive Director  
Okeechobee Utility Authority

**OKEECHOBEE UTILITY AUTHORITY**

100 SW 5th Avenue  
Okeechobee, Florida 34974-4221

(863) 763-9460  
FAX: (863) 467-4335

December 18, 2019

Mr. Steven L. Dobbs P.E.  
Steven L. Dobbs Engineering, LLC  
1062 Jakes Way  
Okeechobee, Florida 34974

Ref: **Wastewater Capacity Request**

Parcel ID No.: 3-15-37-35-0010-01910-0010  
3-15-37-35-0010-01900-0010  
3-15-37-35-0020-02510-0130

Site Address:  
±500 SW 7<sup>th</sup> Avenue  
Okeechobee, FL 34974

Dear Mr. Dobbs:

In reference to a request of the availability of wastewater capacity to the subject property, I submit the following information for your use in the permitting for the above referenced project.

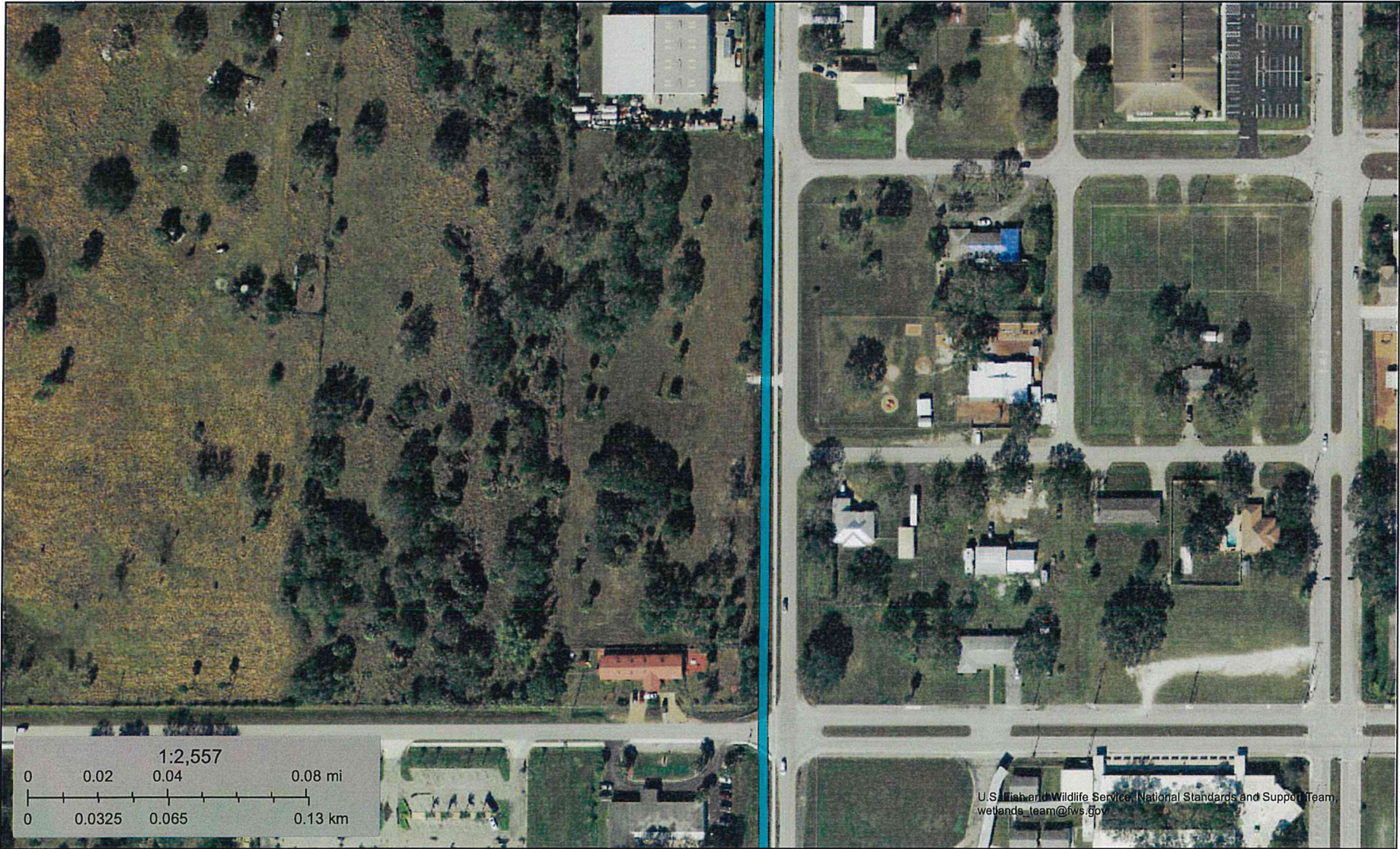
The Okeechobee Utility Authority owns and operates one regional wastewater treatment plant with a FDEP permitted capacity of 3.9 MGD. During the twelve month period from May 2018 to April 2019, the annual average daily demand was 0.916 MGD, or about 24% of the current 3.9 MGD treatment capacity. The OUA does not have a wastewater service line near the subject property. Any line extensions or upgrades required to tie in to the wastewater system due to the demands of the proposed project will be at the project owner's expense.

Should you have any other questions, comments or concerns with regards to the wastewater system capacity, please contact the OUA at 863.763.9460.

Sincerely,

John F. Hayford, P.E.  
Executive Director





December 18, 2019

Wetlands

- Estuarine and Marine Deepwater
- Estuarine and Marine Wetland

- Freshwater Emergent Wetland
- Freshwater Forested/Shrub Wetland
- Freshwater Pond

- Lake
- Other
- Riverine

This map is for general reference only. The US Fish and Wildlife Service is not responsible for the accuracy or currentness of the base data shown on this map. All wetlands related data should be used in accordance with the layer metadata found on the Wetlands Mapper web site.

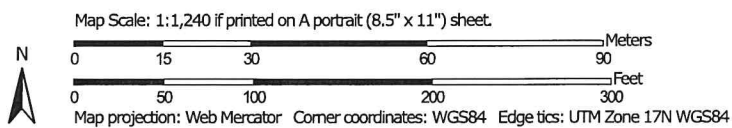


C2

Soil Map—Okeechobee County, Florida  
(Neal Markus Industrial)




Soil Map may not be valid at this scale.



Soil Map—Okeechobee County, Florida  
(Neal Markus Industrial)

## MAP LEGEND

### Area of Interest (AOI)

 Area of Interest (AOI)

### Soils

 Soil Map Unit Polygons

 Soil Map Unit Lines

 Soil Map Unit Points

### Special Point Features



Blowout



Borrow Pit



Clay Spot



Closed Depression



Gravel Pit



Gravelly Spot



Landfill



Lava Flow



Marsh or swamp



Mine or Quarry



Miscellaneous Water



Perennial Water



Rock Outcrop



Saline Spot



Sandy Spot



Severely Eroded Spot



Sinkhole



Slide or Slip



Sodic Spot



Spoil Area



Stony Spot



Very Stony Spot



Wet Spot



Other



Special Line Features

### Water Features



Streams and Canals

### Transportation



Rails



Interstate Highways



US Routes



Major Roads



Local Roads

### Background



Aerial Photography

## MAP INFORMATION

The soil surveys that comprise your AOI were mapped at 1:24,000.

Warning: Soil Map may not be valid at this scale.

Enlargement of maps beyond the scale of mapping can cause misunderstanding of the detail of mapping and accuracy of soil line placement. The maps do not show the small areas of contrasting soils that could have been shown at a more detailed scale.

Please rely on the bar scale on each map sheet for map measurements.

Source of Map: Natural Resources Conservation Service

Web Soil Survey URL:

Coordinate System: Web Mercator (EPSG:3857)

Maps from the Web Soil Survey are based on the Web Mercator projection, which preserves direction and shape but distorts distance and area. A projection that preserves area, such as the Albers equal-area conic projection, should be used if more accurate calculations of distance or area are required.

This product is generated from the USDA-NRCS certified data as of the version date(s) listed below.

Soil Survey Area: Okeechobee County, Florida

Survey Area Data: Version 16, Sep 17, 2019

Soil map units are labeled (as space allows) for map scales 1:50,000 or larger.

Date(s) aerial images were photographed: Mar 20, 2015—Mar 21, 2015

The orthophoto or other base map on which the soil lines were compiled and digitized probably differs from the background imagery displayed on these maps. As a result, some minor shifting of map unit boundaries may be evident.



## Map Unit Legend

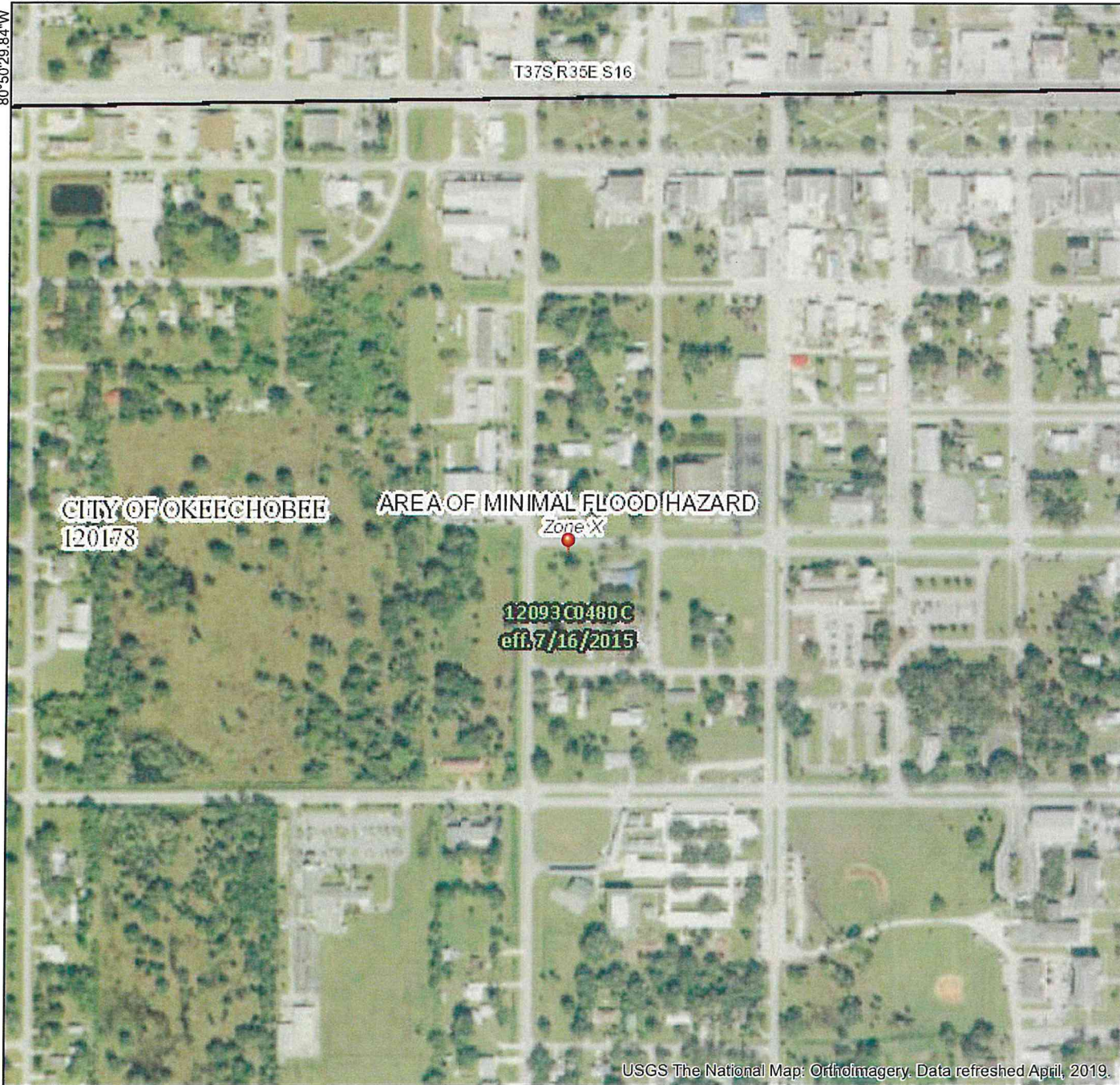
Map Unit Symbol	Map Unit Name	Acres in AOI	Percent of AOI
11	Immokalee fine sand, 0 to 2 percent slopes	0.7	17.8%
14	Myakka fine sand, 0 to 2 percent slopes	3.4	82.2%
<b>Totals for Area of Interest</b>		<b>4.1</b>	<b>100.0%</b>

# National Flood Hazard Layer FIRMette



27°14'40.03"N

80°50'29.84"W



0 250 500 1,000 1,500 2,000 Feet 1:6,000

27°14'8.05"N

80°49'52.38"W

## Legend

SEE FIS REPORT FOR DETAILED LEGEND AND INDEX MAP FOR FIRM PANEL LAYOUT

SPECIAL FLOOD HAZARD AREAS		Without Base Flood Elevation (BFE) Zone A, V, A99
		With BFE or Depth Zone AE, AO, AH, VE, AR
		Regulatory Floodway
OTHER AREAS OF FLOOD HAZARD		0.2% Annual Chance Flood Hazard, Areas of 1% annual chance flood with average depth less than one foot or with drainage areas of less than one square mile Zone X
		Future Conditions 1% Annual Chance Flood Hazard Zone X
		Area with Reduced Flood Risk due to Levee. See Notes, Zone X
		Area with Flood Risk due to Levee Zone D
OTHER AREAS		Area of Minimal Flood Hazard Zone X
		Effective LOMRs
		Area of Undetermined Flood Hazard Zone D
GENERAL STRUCTURES		Channel, Culvert, or Storm Sewer
		Levee, Dike, or Floodwall
OTHER FEATURES		20.2 Cross Sections with 1% Annual Chance Water Surface Elevation
		17.5 Coastal Transect
		513 Base Flood Elevation Line (BFE)
		Limit of Study
		Jurisdiction Boundary
		Coastal Transect Baseline
MAP PANELS		Digital Data Available
		No Digital Data Available
		Unmapped



The pin displayed on the map is an approximate point selected by the user and does not represent an authoritative property location.

This map complies with FEMA's standards for the use of digital flood maps if it is not void as described below. The basemap shown complies with FEMA's basemap accuracy standards

The flood hazard information is derived directly from the authoritative NFHL web services provided by FEMA. This map was exported on 12/17/2019 at 4:00:16 PM and does not reflect changes or amendments subsequent to this date and time. The NFHL and effective information may change or become superseded by new data over time.

This map image is void if the one or more of the following map elements do not appear: basemap imagery, flood zone labels, legend, scale bar, map creation date, community identifiers, FIRM panel number, and FIRM effective date. Map images for unmapped and unmodernized areas cannot be used for regulatory purposes.

05



**Okeechobee County Property Appraiser**

Mickey L. Bandi

**2019 Certified Values**

updated: 1/2/2020

Parcel: << **3-15-37-35-0010-01910-0010** >>**Owner & Property Info**

Owner	SPRADLEY RUTH G & NEMEC GALE B %NEMEC CHILDREN'S TRUST 5243 EUROPA DR UNIT P BOYNTON BEACH, FL 334370000		
Site	SW 6TH ST, OKEECHOBEE		
Description*	CITY OF OKEECHOBEE ALL BLOCK 191		
Area	0.409 AC	S/T/R	15-37-35
Use Code**	VACANT (000000)	Tax District	50

\*The Description above is not to be used as the Legal Description for this parcel in any legal transaction.

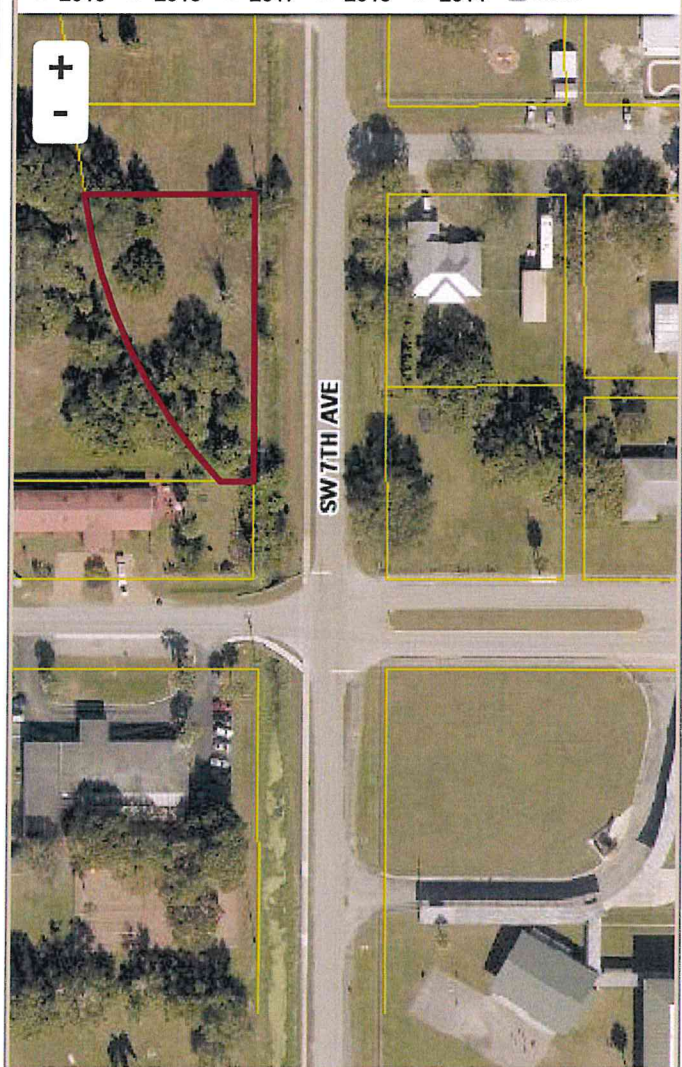
\*\*The Use Code is a Dept. of Revenue code. Please contact Okeechobee County Planning & Development at 863-763-5548 for zoning info.

**Property & Assessment Values**

2018 Certified Values		2019 Certified Values	
Mkt Land (1)	\$25,087	Mkt Land (1)	\$25,087
Ag Land (0)	\$0	Ag Land (0)	\$0
Building (0)	\$0	Building (0)	\$0
XFOB (0)	\$0	XFOB (0)	\$0
Just	\$25,087	Just	\$25,087
Class	\$0	Class	\$0
Appraised	\$25,087	Appraised	\$25,087
SOH Cap [?]	\$0	SOH Cap [?]	\$0
Assessed	\$25,087	Assessed	\$25,087
Exempt	\$0	Exempt	\$0
Total Taxable	county:\$25,087 city:\$25,087 other:\$25,087 school:\$25,087	Total Taxable	county:\$25,087 city:\$25,087 other:\$25,087 school:\$25,087

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

Aerial Viewer Pictometry Google Maps

☒ 2019
 ☐ 2018
 ☐ 2017
 ☐ 2015
 ☐ 2014
 ☐ Sales
**▼ Sales History**

Sale Date	Sale Price	Book/Page	Deed	V/I	Quality (Codes)	RCode
8/1/1990	\$0	316/1436	WD	V	U	03

**▼ Building Characteristics**

Bldg Sketch	Bldg Item	Bldg Desc*	Year Blt	Base SF	Actual SF	Bldg Value
NONE						

**▼ Extra Features & Out Buildings (Codes)**

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

**▼ Land Breakdown**

Land Code	Desc	Units	Adjustments	Eff Rate	Land Value
161CI2	CITY LT (MKT)	223.000 FF - (0.409 AC)	1.00/1.00 1.00/1.00	\$112	\$25,087



**Okeechobee County Property Appraiser**

Mickey L. Bandi

**2019 Certified Values**

updated: 1/2/2020

Parcel: << **3-15-37-35-0010-01900-0010** >>

Aerial Viewer Pictometry Google Maps

**Owner & Property Info**

Result: 1 of 3

Owner	SPRADLEY RUTH G & NEMEC GALE B %NEMEC CHILDREN'S TRUST 608 HARBOUR POINTE WAY GREENACRES, FL 334130000		
Site	SW 7TH AVE, OKEECHOBEE		
Description*	CITY OF OKEECHOBEE LOTS 1 TO 6 INC BLOCK 190		
Area	0.86 AC	S/T/R	15-37-35
Use Code**	VACANT (000000)	Tax District	50

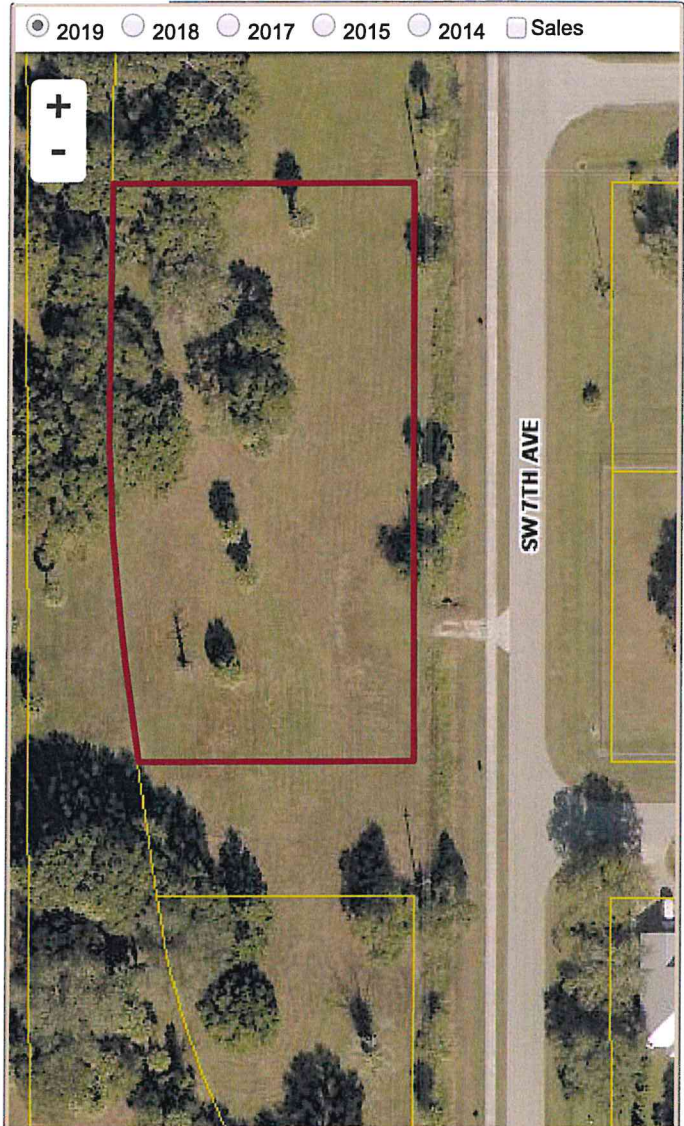
\*The Description above is not to be used as the Legal Description for this parcel in any legal transaction.

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**Property & Assessment Values**

2018 Certified Values		2019 Certified Values	
Mkt Land (1)	\$41,850	Mkt Land (1)	\$41,850
Ag Land (0)	\$0	Ag Land (0)	\$0
Building (0)	\$0	Building (0)	\$0
XFOB (0)	\$0	XFOB (0)	\$0
Just	\$41,850	Just	\$41,850
Class	\$0	Class	\$0
Appraised	\$41,850	Appraised	\$41,850
SOH Cap [?]	\$0	SOH Cap [?]	\$0
Assessed	\$41,850	Assessed	\$41,850
Exempt	\$0	Exempt	\$0
Total Taxable	county:\$41,850 city:\$41,850 other:\$41,850 school:\$41,850	Total Taxable	county:\$41,850 city:\$41,850 other:\$41,850 school:\$41,850

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

**▼ Sales History**

Sale Date	Sale Price	Book/Page	Deed	V/I	Quality (Codes)	RCode
8/1/1990	\$0	316/1436	WD	V	U	03
4/6/1964	\$0	80/0731	QC	V	U	03
2/18/1964	\$0	79/0499	QC	V	U	03
2/17/1964	\$0	79/0497	QC	V	U	03

**▼ Building Characteristics**

Bldg Sketch	Bldg Item	Bldg Desc*	Year Blt	Base SF	Actual SF	Bldg Value
NONE						

**▼ Extra Features & Out Buildings (Codes)**

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

**▼ Land Breakdown**

Land Code	Desc	Units	Adjustments	Eff Rate	Land Value

161CI2	CITY LT (MKT)	300.000 FF - (0.860 AC)	1.00/1.00 1.00/1.00	\$140	\$41,850
Search Result: 1 of 3					
© Okeechobee County Property Appraiser   Mickey L. Bandi   Okeechobee, Florida   863-763-4422				by: GrizzlyLogic.com	



**Okeechobee County Property Appraiser**

Mickey L. Bandi

**2019 Certified Values**

updated: 1/2/2020

Parcel: &lt;&lt; 3-21-37-35-0020-02510-0130 &gt;&gt;

**Owner & Property Info**

Owner	SPRADLEY RUTH G & NEMEC GALE B %NEMEC CHILDREN'S TRUST 608 HARBOUR POINTE WAY GREENACRES, FL 334130000		
Site	SW 6TH ST, OKEECHOBEE		
Description*	THAT PORTION OF THE FLORIDA EAST COAST RAILWAY COMPANY RIGHT-OF-WAY, SINCE ABANDONED, AND OF NORTH CURVE STREET, SINCE ABANDONED, AS SHOWN ON PLAT OF FIRST ADDITION TO OKEECHOBEE, FLORIDA, AS RECORDED IN PLAT BOOK 2, PAGE 26, OF THE PUBLIC RECORDS OF SAINT ...more>>>		
Area	1.6 AC	S/T/R	21-37-35
Use Code**	VACANT (000000)	Tax District	50

\*The Description above is not to be used as the Legal Description for this parcel in any legal transaction.

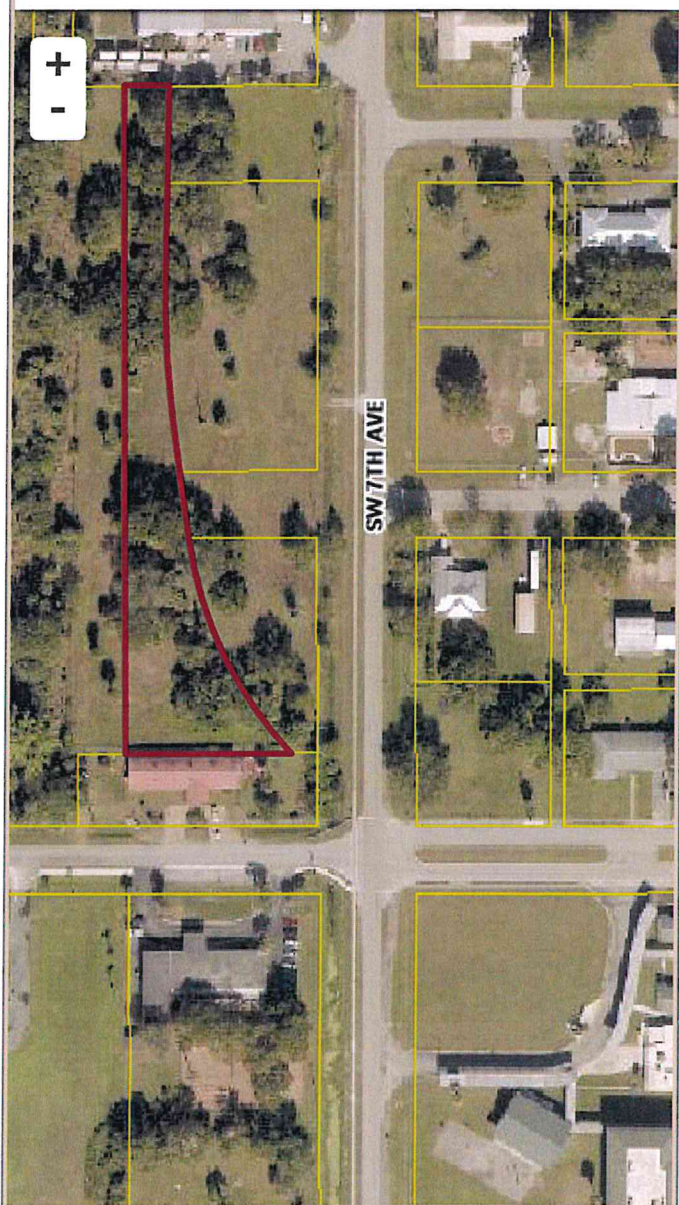
\*\*The Use Code is a Dept. of Revenue code. Please contact Okeechobee County Planning & Development at 863-763-5548 for zoning info.

**Property & Assessment Values**

2018 Certified Values		2019 Certified Values	
Mkt Land (1)	\$15,600	Mkt Land (1)	\$16,800
Ag Land (0)	\$0	Ag Land (0)	\$0
Building (0)	\$0	Building (0)	\$0
XFOB (0)	\$0	XFOB (0)	\$0
Just	\$15,600	Just	\$16,800
Class	\$0	Class	\$0
Appraised	\$15,600	Appraised	\$16,800
SOH Cap [?]	\$0	SOH Cap [?]	\$0
Assessed	\$15,600	Assessed	\$16,800
Exempt	\$0	Exempt	\$0
Total Taxable	county:\$15,600 city:\$15,600 other:\$15,600 school:\$15,600	Total Taxable	county:\$16,800 city:\$16,800 other:\$16,800 school:\$16,800

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

Aerial Viewer Pictometry Google Maps

☒ 2019 
 ☐ 2018 
 ☐ 2017 
 ☐ 2015 
 ☐ 2014 
 ☐ Sales
**▼ Sales History**

Sale Date	Sale Price	Book/Page	Deed	V/I	Quality (Codes)	RCode
8/1/1990	\$0	316/1436	WD	V	U	03

**▼ Building Characteristics**

Bldg Sketch	Bldg Item	Bldg Desc*	Year Blt	Base SF	Actual SF	Bldg Value
NONE						

**▼ Extra Features & Out Buildings (Codes)**

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

**▼ Land Breakdown**

Land Code	Desc	Units	Adjustments	Eff Rate	Land Value
-----------	------	-------	-------------	----------	------------

961CAC	NON/CONFG (MKT)	1.600 AC	1.00/1.00 1.00/0.75	\$10,500	\$16,800
© Okeechobee County Property Appraiser   Mickey L. Bandi   Okeechobee, Florida   863-763-4422					by: GrizzlyLogic.com



# **Staff Report Small Scale Comprehensive Plan Amendment**

*Prepared for:*        *The City of Okeechobee*  
*Applicant:*         *Neal Markus*  
                              *Loumax Development Inc*  
*Petition No.:*        *20-002-SSA*



## General Information

Applicant Owner	Neal Markus, Loumax Development Inc Ruth G. Spradley & Gale B. Nemec
Applicant Address	PO Box 5501, Fort Lauderdale, FL 33310
Applicant Email Address	njmarkus@gmail.com
Site Address	500-600 Block of SW 7 <sup>th</sup> Avenue
Parcel Identification	3-15-37-35-0010-01910-0010 3-15-37-35-0010-01900-0010, 3-21-37-35-0020-02510-0130
Contact Person	Steven L. Dobbs
Contact Phone Number	863.824.7644
Contact Email Address	sdobbs@stevedobbsengineering.com

## Request

The matter before the Local Planning Agency and City Council is an application for an amendment to the Future Land Use Map (FLUM) for three vacant parcels of land totaling 2.87 acres. Two parcels are designated Single Family and one parcel is designated Multi-Family Residential on the Future Land Use Map. The proposal is to change the Future Land Use designation of all three parcels to Industrial. The Applicant has submitted a concurrent request to rezone the same parcels from Multi-family to Industrial. The Applicant owns the industrial property to the north of these parcels and has stated that the reason for these requests is expansion of existing operations. According to the Applicant's representative, the current operations include manufacturing of compressed air canisters.

The current and proposed Future Land Use designations, zoning, existing use, and acreage of the subject property and surrounding properties are shown in the following tables and on the maps.

## Future Land Use, Zoning and Existing Use

	Existing	Proposed
Future Land Use	Single Family and Multi-Family Residential	Industrial
Zoning	Residential Multiple Family	Industrial
Use of Property	Vacant	Industrial
Acreage	2.87 acres	2.87 acres

### Future Land Use, Zoning, and Existing Use on Surrounding Properties

<b>North</b>	Future Land Use	Industrial
	Zoning	Industrial
	Existing Use	Loumax Development
<b>East</b>	Future Land Use	Single Family Residential
	Zoning	Residential Multiple Family
	Existing Use	Single Family Home and Vacant
<b>South</b>	Future Land Use	Multi-Family Residential
	Zoning	Residential Multiple Family
	Existing Use	Childcare Facility
<b>West</b>	Future Land Use	Multi-Family Residential
	Zoning	Residential Multiple Family
	Existing Use	Vacant and Pending Residential Apartment Complex

### General Analysis and Staff Comments

#### A. Qualification for Amendment

Based on the size of the property (2.87 acres) this application qualifies under Chapter 163, F.S. as a Small-Scale Development Activity Plan Amendment (SSA) to the Comprehensive Plan.

#### B. Current and Future Development Potential as Single-Family and Multi-family Residential

This request involves three vacant parcels of land with current Future Land Use designations as follows:

- 0.409 acres of single family residential
- 0.86 acres of single family residential
- 1.6 acres of multi-family residential

The maximum density allowable in the Single-Family Residential Future Land Use Category is four units per acre or five if the units qualify as affordable housing. With the affordable housing bonus, maximum development potential for 1.269 acres would be 6 single-family dwellings.

The maximum density allowable in the Multi-Family Residential Future Land Use Category is 10 units per acre or 11 if the units qualify as affordable housing. With the affordable housing bonus, maximum development potential for 1.6 acres would be 17 multi-family dwellings.

### C. Future Development Potential as Industrial

Policy 2.1(e) of the City's Future Land Use Element:

**Industrial.** Permitted uses include large-scale manufacturing or processing activities, business offices and schools, wholesaling and warehousing, public facilities, public utilities, limited retail and service uses, and off-site signs, limited agriculture, and accessory uses customary to permissible uses. Other uses related to and consistent with industrial development such as adult entertainment, salvage yards, fortunetellers, bulk storage of hazardous materials and manufacturing of chemical or leather products may be permissible under certain circumstances.

1. Industrial Development shall not exceed a floor area ratio of 3.00 and the maximum impervious surface for development within this category shall not exceed 85 percent of the site.
2. Zoning districts considered appropriate within this future land use category include only RH and Industrial (IND).

While the Industrial Future Land Use category allows for a maximum FAR of 3.0, the Industrial zoning district only allows a maximum building coverage of 50% and a maximum building height of 45 feet (without a special use exception). These limitations allow for a potential four story structure, a maximum FAR of 2.0 and a theoretical maximum floor area of approximately 250,000 square feet on 2.87 acres. However, given that a 4 story industrial structure is not likely, it may be more practical to expect a one or two story structure if this map change is approved. A one story structure occupying 50% of 2.87 acres would be about 62,500 square feet of floor area and a two story structure with the same footprint would have about 125,000 square feet of floor area. It is important to note that the applicant has not submitted any proposed plans or provided any comments regarding the potential development of the property, other than the stated desire to expand operations of the existing industrial use to the north of these subject parcels.

## Comprehensive Plan Analysis

### A. Consistency and Compatibility with Comprehensive Plan and Adjacent Uses.

Policy 2.2 of the Future Land Use Element recommends that the City protect the use and value of private property from adverse impacts of incompatible land uses, activities and hazards.

Objective 12 of the Future Land Use Element states that the City of Okeechobee shall encourage compatibility with adjacent uses, and curtailment of uses inconsistent with the character and land uses of surrounding areas and shall discourage urban sprawl.

The property to the north of these parcels is industrial but the remainder of the surrounding properties hold residential designations on the City's Future Land Use Map and the City's Zoning Map. While much of the directly adjacent land is vacant, there exists one single family residence and a preschool across SW 7<sup>th</sup> Ave from these parcels. Other single family residences exist nearby and a new multi-family apartment project has been approved nearby as well.

The Applicant currently owns and operates a 1.6 acre industrial site to the north of these

subject parcels, which is one of only a few properties with an industrial future land use designation south of Park Street in the City. Besides the Applicant's existing site, there is an additional 2.5 acres of industrial to the north, 0.5 acres of industrially designated property on SW Park Street and a 3 acre property on SE 10<sup>th</sup> Street. The Applicant's requested future land use map changes represent a 37% increase in Industrial future land use south of Park Street in the City.

From a planning perspective, expansion of the Industrial Future Land Use in this area would be out of character and likely incompatible with the predominantly residential nature of the surrounding neighborhood.

## **B. Adequacy of Public Facilities**

### Traffic Impacts

The applicant has provided a traffic analysis that estimates the requested map changes from single family residential to industrial and multi-family residential to industrial on these parcels would result in an increase in 1,144 potential daily vehicle trips and 166 potential peak hour vehicle trips. We agree with this analysis.

In addition to the consideration of total vehicle trips, it is also important to consider that an industrial use is likely to generate more heavy truck traffic than residential uses.

If these map changes are approved and a site plan for development of these parcels were to be submitted, it would be necessary to provide additional assessment of the impact of traffic on the adjacent streets and properties at the time of site plan approval.

### Demand for Potable Water, Sewer Treatment and Solid Waste Disposal

The applicant has provided an analysis on the potential change in demand for potable water and sewer services if these map changes are approved. That analysis indicates an increase of 21,855 gallons per day. We agree with this analysis.

The Applicant's submission includes letters from the Okeechobee Utility Authority and Waste Management indicating that there is adequate excess capacity to accommodate the demand for potable water, wastewater treatment and solid waste disposal that would be associated with a proposed industrial use.

## **C. Environmental Impacts**

The subject property is within the zone X, indicating a minimal flood risk. We agree with the applicant's statements that the site has no significant or unique characteristics regarding environmental sensitivity, wetlands, wildlife habitat, endangered species, soil conditions or susceptibility to flooding.



## Recommendation

Based on the foregoing analysis, we find the requested Industrial Future Land Use Designation for the subject property to be inconsistent with the character of the neighborhood and likely incompatible with the surrounding land uses. Therefore, we find this request inconsistent with the City's Comprehensive Plan. We **cannot** recommend approval of the Applicant's request to amend the Comprehensive Plan to designate the subject property as Industrial on the City's Future Land Use Map.

Submitted by:



Ben Smith, AICP  
Sr. Planner

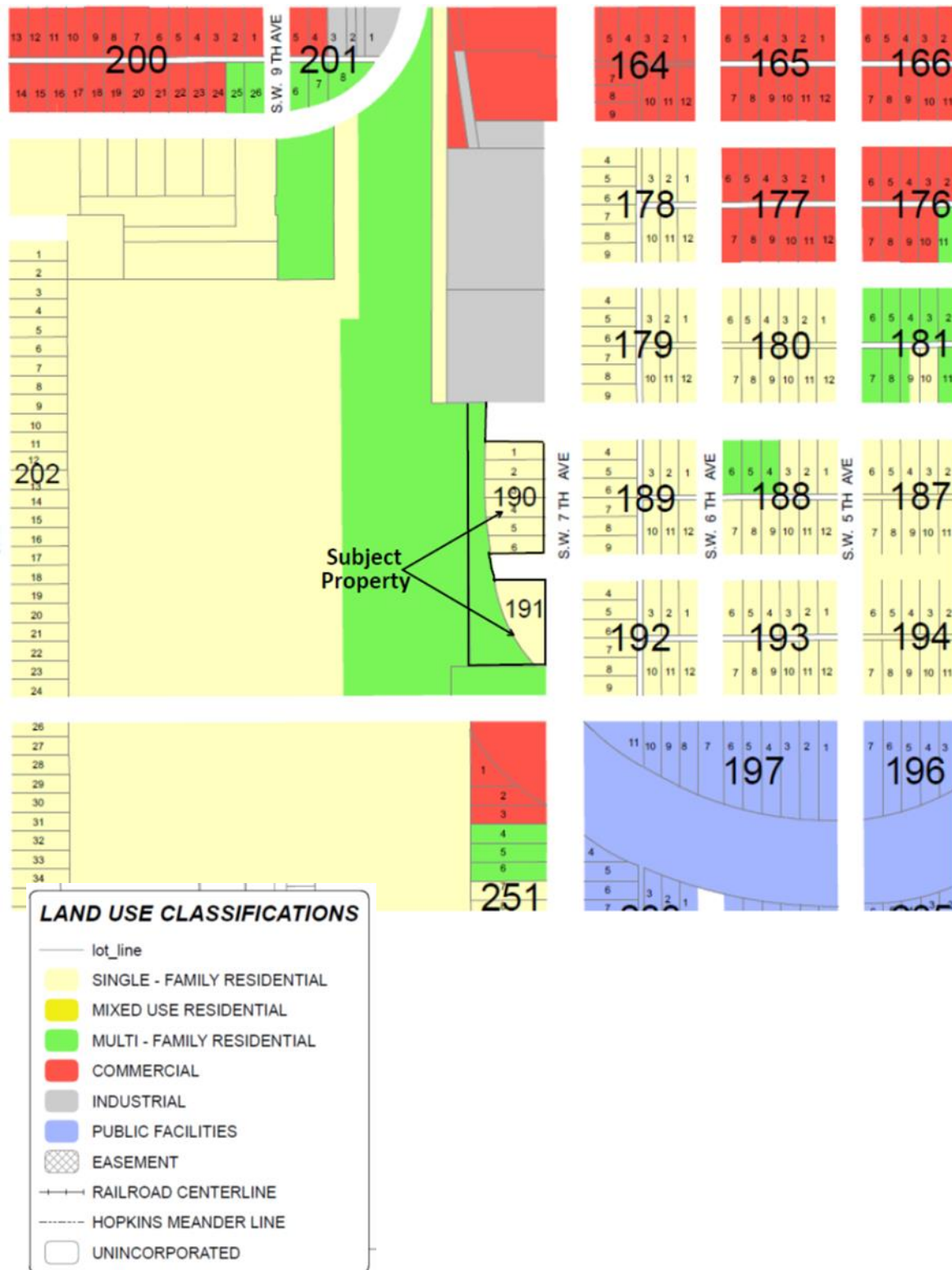
February 11, 2020

Planning Board Public Hearing: February 20, 2020

City Council Public Hearing: (tentative) March 17, 2020

Attachments:   Future Land Use, Subject Site & Environs  
                      Zoning, Subject Site & Environs  
                      Existing Land Use Aerial, Subject Site & Environs

FUTURE LAND USE  
SUBJECT SITE AND ENVIRONS



## ZONING SUBJECT SITE AND ENVIRONS





EXISTING LAND USE  
AERIAL OF SUBJECT SITE AND ENVIRONS





<b>City of Okeechobee</b> <b>General Services Department</b> <b>55 S.E. 3<sup>rd</sup> Avenue, Room 101</b> <b>Okeechobee, Florida 34974-2903</b> <b>Phone: (863) 763-3372, ext. 9820</b> <b>Fax: (863) 763-1686</b>		Date: 1-6-20	Petition No. 20-001-R
		Fee Paid:	Jurisdiction: PB+CC
		1 <sup>st</sup> Hearing: 2-20-20	2 <sup>nd</sup> Hearing: 3-17-20 /
		Publication Dates:	
		Notices Mailed: 2-5-20	
<b>Rezone, Special Exception and Variance</b> <i>Ruth G. Spradley + Gale B. Neme</i> <b>APPLICANT INFORMATION</b>			
1	Name of property owner(s): NEMEC CHILDRENS TRUST		
2	Owner mailing address: 5243 EUROPA DRIVE, UNIT P, BOYNTON BEACH, FL 33437		
3	Name of applicant(s) if other than owner: NEAL MARKUS		
4	Applicant mailing address: P.O. BOX 5501, FT. LAUDERDALE, FL 33310		
	E-mail address: NJMARKUS@GMAIL.COM		
5	Name of contact person (state relationship): STEVEN L DOBBS - CONSULTANT		
6	Contact person daytime phone(s): 863-824-7644		
<b>PROPERTY INFORMATION</b>			
7	Property address/directions to property: 500 - 600 BLOCK OF SW 7TH AVENUE STATE ROAD 70 WEST, TURN SOUTH ONTO SW 7TH AVENUE PARCEL IS APPROXIMATELY 1,400 FT TO THE RIGHT		
8	Describe current use of property: VACANT		
9	Describe improvements on property (number/type buildings, dwelling units, occupied or vacant, etc.) VACANT Source of potable water: OUA Method of sewage disposal: OUA		
10	Approx. acreage: 2.87 ✓ Is property in a platted subdivision? YES		
11	Is there a use on the property that is or was in violation of a city or county ordinance? If so, describe: NO		
12	Is a pending sale of the property subject to this application being granted? YES		
13	Describe uses on adjoining property to the North: North: INDUSTRIAL East: SINGLE FAMILY South: CHILD-CARE Multi-Family West: VACANT SF		
14	Existing zoning: MULTI FAMILY RESIDENTIAL Future Land Use classification: RESIDENTIAL & MULTI		
15	Have there been any prior rezoning, special exception, variance, or site plan approvals on the property? (X) No ( ) Yes. If yes provide date, petition number and nature of approval. RMF FAMILY RESIDENTIAL		
16	Request is for: (X) Rezone ( ) Special Exception ( ) Variance		
17	Parcel Identification Number: 3-15-37-35-0010-01910-0010, 3-21-37-35-0020-02510-0130 ✓ 3-15-37-35-0010-01900-0010 ✓		

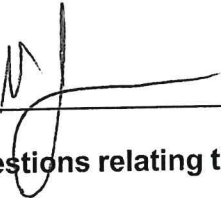
## REQUIRED ATTACHMENTS

✓ 18	Applicant's statement of interest in property: CONTRACT PURCHASER
✓ 19	Non-refundable application fee: Rezoning: \$850 plus \$30/acre; Special Exception: \$500 plus \$30/acre; Variance: \$500 <b>Note: Resolution No. 98-11 Schedule of Land Development Regulation Fees and Charges B</b> <b>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.</b>
✓ 20	Last recorded warranty deed: 08/01/1990
✓ 21	Notarized letter of consent from property owner (if applicant is different from property owner)
✓ 22	Three property surveys (one no larger than 11x17) containing: a. Certified boundary survey, date of survey, surveyor's name, address and phone number b. Legal description of property pertaining to the application c. Computation of total acreage to nearest tenth of an acre
✓ 23	List of surrounding property owners with addresses and location sketch of the subject property. See the Information Request Form from the Okeechobee Property Appraiser's Office (attached)
24	Affidavit attesting to completeness and correctness of the list (attached)
25	Completed specific application and checklist sheet for each request checked in line 15

### 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

NEAL MARKUS

Date

12/19/19.

**For questions relating to this application packet, call General Services Dept. at (863)-763-3372, Ext. 9820**

**Loumax Development, Inc.**

**(Description of requested land use change and reason for request)**

Loumax Development, Inc. has a contract to purchase approximately 2.87 acres located in Sections 15 and 21, Township 37S, and Range 35E. The property's parcel IDs are 3-15-37-35-0010-01910-0010, 3-21-37-35-0020-02510-0130, 3-15-37-35-0010-01900-0010. It is currently located in the City of Okeechobee with a current zoning of Residential Multiple Family.

The primary intent of rezoning this parcel is to change the zoning to Industrial. The proposed zoning is consistent with adjacent lands at this location surrounded by industrial, single family, churches, and other multifamily lands.

This application is for the City to grant a zoning on this parcel from the existing Residential Multiple Family to Industrial. There is adequate access to the property from SW 7<sup>th</sup> Avenue.

Loumax Development, Inc. requests that the Planning Board recommend to the City Council to grant the request to zone this parcel of land to Industrial.



ADDITIONAL INFORMATION REQUIRED FOR A <b>REZONING</b>	
<b>A</b>	Current zoning classification: RES. MULTI FAM Requested zoning classification: INDUSTRIAL
<b>B</b>	Describe the desired permitted use and intended nature of activities and development of the property? EXPAND EXISTING INDUSTRIAL FACILITY TO THE NORTH
<b>C</b>	Is a Special Exception necessary for your intended use? ( <u>X</u> ) No ( <u>  </u> ) Yes If yes, briefly describe:
<b>D</b>	Is a Variance necessary for your intended use? ( <u>X</u> ) No ( <u>  </u> ) Yes If yes, briefly describe:
<b>E</b>	Attach a Traffic Impact Study prepared by a professional transportation planner or transportation engineer, if the rezoning or proposed use will generate 100 or more peak hour vehicle trip ends using the trip generation factors for the most similar use as contained in the Institute of Transportation Engineers most recent edition of <u>Trip Generation</u> . The TIA must identify the number of net new external trips, pass-bay calculations, internal capture calculations, a.m. and p.m. peak hour trips and level of service on all adjacent roadway links with and without the project.
<b>F</b>	Responses addressing the required findings for granting a rezoning or change in Land Development Regulations as described below. Attach additional sheets as necessary.

**FINDINGS REQUIRED FOR GRANTING A REZONING  
OR CHANGE IN LAND DEVELOPMENT  
REGULATIONS (Sec. 70-340, LDR page CD70:16)**

It is the Applicant's responsibility to convince the Planning Board/LPA and City Council that approval of the proposed rezoning 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:

1. The proposed rezoning is not contrary to Comprehensive Plan requirements.
2. The proposed use being applied for is specifically authorized under the zoning district in the Land Development Regulations.
3. The proposed use will not have an adverse effect on the public interest.
4. The proposed use is appropriate for the location proposed, is reasonably compatible with adjacent land uses, and is not contrary or detrimental to urbanizing land use patterns.
5. The proposed use will not adversely affect property values or living conditions, or be a deterrent to the improvement or development of adjacent property.

Findings required for rezoning or change in land development regulations (cont.)

6. The proposed use can be suitably buffered from surrounding uses, so as to reduce the impact of any nuisance or hazard to the neighborhood
7. The proposed use will not create a density pattern that would overburden public facilities such as schools, streets, and utility services
8. The proposed use will not create traffic congestion, flooding or drainage problems, or otherwise affect public safety.
9. The proposed use has not been inordinately burdened by unnecessary restrictions.

The City staff 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.



## **Loumax Development, Inc.**

### **Responses to Standards for Considering Changes in Zoning**

**1. The proposed change is not contrary to the Comprehensive Plan Requirements;**

The proposed request is not contrary to the Comprehensive plan requirements and is currently zoned Residential Multiple Family and the surrounding properties are zoned industrial, single family and multi-family.

**2. The proposed use being applied for is specifically authorized under the zoning district in the Land Development Regulations;**

The proposed of expanding Industrial projects on Industrially zoned land is specifically authorized under the proposed zoning district in the Land Development Regulations.

**3. The proposed use will not have an adverse effect on the public interest;**

The proposed land use change should have a positive impact on the public interest to develop land that has access to all utilities and roads and bring the land value up as a developed parcel instead of undeveloped.

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

The proposed use is appropriate for the location and compatible with the adjacent land uses.

**5. The proposed use will not adversely affect property values or living conditions, or be a detriment to the improvement or development of adjacent property;**

The proposed use should positively impact property values, living conditions and be an improvement to the adjacent property and develop previously undeveloped land.

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

The proposed use can be suitably buffered from surrounding unlike uses to the south and west. The parcel is bounded to the east by SW 7<sup>th</sup> Avenue. To the north is the applicant's Industrial Property

- 7. The proposed use will not create a density pattern that would overburden public facilities such as schools, streets, and utility services;**

The use will not create density patterns that would overburden any public facilities. The potential development impacts will be within the already available amenities.

- 8. The proposed use will create traffic congestion, flooding, or drainage problems, or otherwise affect public safety;**

The proposed use will not impact traffic congestion as this is already a heavily traveled street with adequate capacity for the additional traffic. To the east, there is a major ditch to the east where the parcel will drain into SW 7<sup>th</sup> Avenue ditch, a major collector in the City that discharges directly into the Rim Canal adjacent to Lake Okeechobee. This project will not adversely affect public safety.

- 9. The proposed use has not been inordinately burdened by unnecessary restrictions;**

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

This Instrument prepared by:

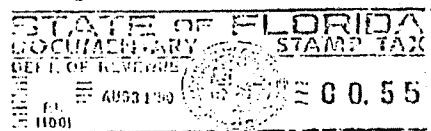
JAMES NEMEC, ESQUIRE  
2001 Palm Beach Lakes Blvd., #400  
West Palm Beach, Florida 33409

222090

FILED FOR RECORD  
OKEECHOBEE CO. FL.

90 AUG 31 PM 2:01

GLORIA J. FORD  
CLERK OF CIRCUIT COURT



# Warranty Deed,

made this 26<sup>th</sup> day of August, 1990,

Between JAMES NEMEC and RUTH B. NEMEC, his wife

having an address at County of Palm Beach, State of Florida, , grantor,\*

and RUTH GENEVIEVE SPRADLEY and GALE BARTLETT NEMEC, as Trustees , grantee\*,

whose post office address is 7530 Clarke Road, Lake Clarke Shores, Fl. 33406

**Witnesseth:** That the grantor, for and in consideration of the sum of \$ 10.00 and other good and valuable considerations, receipt whereof by grantor is hereby acknowledged, has granted, bargained and sold to grantee, and grantee's heirs, legal representatives, successors and assigns forever, the following described land, situate, lying and being in Okeechobee County, Florida: All of Block 191, TOWN OF OKEECHOBEE, according to the plat thereof recorded in Plat Book 2, Page 17, St. Lucie County, Florida, public records, lying in Okeechobee County.

That portion of the Florida East Coast Railway Company Right-of-way, since abandoned, and of North Curve Street, since abandoned, as shown on Plat of First Addition to Okeechobee, Florida, as recorded in Plat Book 2, page 26, of the Public Records of Saint Lucie County, Florida, and in Plat Book 1, page 11, of the Public Records of Okeechobee County, Florida, which is bounded on the West by the Northerly extension of the West Line of Block 251 (same also being a part of the East line of a tract of land known as the STATION GROUNDS of said Railway Company), and on the South by a line extending from the Southernmost point of Block 191, as shown on the Plat of the Town of Okeechobee, as recorded in Plat Book 2, page 17, of the Public Records of St. Lucie County, Florida, and in Plat Book 1, page 10, of the Public Records of Okeechobee County, Florida, in a Westerly direction, said line being North of and parallel with the Westerly extension of the North line of Third Street, and which is bounded on the North by the Westerly extension of the North line of Fifth Street, of said Town of Okeechobee aforesaid and all that part of Fourth Street and Fifth Street lying West of Seventh Avenue in said town of Okeechobee. Lots 1 to 6, inclusive of Block 190, OKEECHOBEE, according to the plat thereof re-recorded in Plat Book 2, page 17 of the public records of St. Lucie County, Florida.

**Together** with all tenements, hereditaments and appurtenances thereto belonging or in anywise appertaining.

**To Have and to Hold**, the same in fee simple forever.

**And** the grantor hereby covenants with said grantee that grantor is lawfully seized of said land in fee simple; that grantor has good right and lawful authority to sell and convey said land; that grantor hereby fully warrants the title to said land and will defend the same against the lawful claims of all persons whomsoever; and that, except as above noted, said land is free from all encumbrances.

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

**In Witness Whereof**, grantor has hereunto set grantor's hand and seal the day and year first above written.

Signed, sealed and delivered in our presence:

Ray Greenberg  
Ray Greenberg  
Linda Pearson  
Linda Pearson

James Neme  
James Neme  
Ruth B. Neme  
Ruth B. Neme

STATE OF FLORIDA  
COUNTY OF PALM BEACH

The foregoing instrument was acknowledged before me this 26 day of August, 1990, by JAMES NEMEC and RUTH B. NEMEC, his wife.

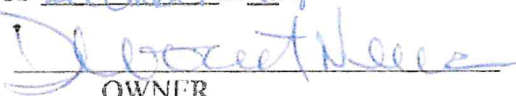
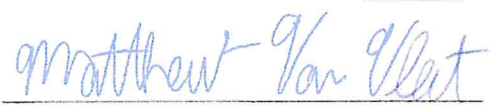
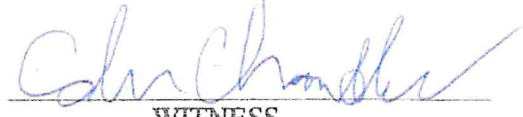


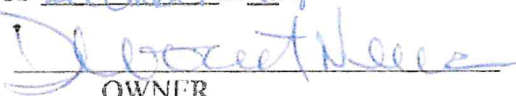
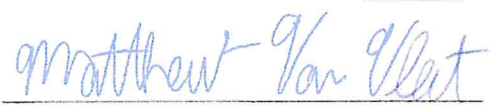
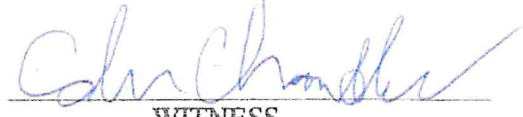


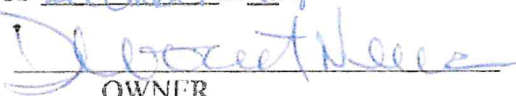
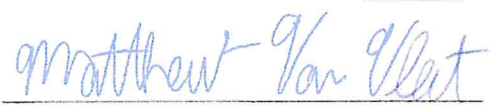
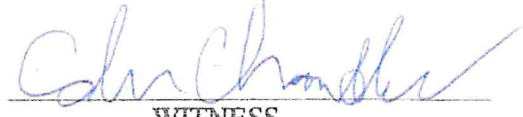


Ray Greenberg  
Notary Public

My commission expires:  
NOTARY PUBLIC STATE OF FLORIDA  
MY COMMISSION EXP JUNE 22, 1993  
BONDED THRU GENERAL INS. UND.



City of Okeechobee  
55 SE 3<sup>rd</sup> Avenue  
Okeechobee, FL 34974  
Tele: 863-763-3372 Fax: 863-763-1686

LAND USE POWER OF ATTORNEY

Name of Property Owner(s): NEMEC CHILDRENS TRUST												
Mailing Address: 608 HARBOUR POINT WAY, GREENACRES, FL 33413												
Home Telephone:	Work:	Cell: 863-634-4497										
Property Address: 500-600 BLOCK OF SW 7TH AVENUE												
Parcel ID Number: 3-15-37-35-0010-01910-0010, 3-21-37-35-0020-02510-0130, 3-15-37-35-0010-01900-0010												
Name of Applicant: LOUMAX DEVELOPMENT INC												
Home Telephone:	Work:	Cell: 954-347-1077										
<p>The undersigned, being the record title owner(s) of the real property described above, do hereby grant unto the applicant stated above the full right and power of attorney to make application to the City of Okeechobee to change the land use of said property. This land use change may include rezoning of the property, the granting of special exception or variances, and appeals of decisions of the Planning Department. It is understood that conditions, limitations and restrictions may be place upon the use or operation of the property. Misstatements upon application or in any hearing may result in the termination of any special exception or variance and a proceeding to rezone the property to the original classification. This power of attorney may be terminated only by a written and notarized statement of such termination effective upon receipt by the Planning Department.</p>												
<p>IN WITNESS WHEREOF THE UNDERSIGNED HAVE SET THEIR HAND AND SEALS THIS <u>21</u> DAY OF <u>December</u> 20<u>19</u></p> <table border="0"><tr><td> OWNER</td><td> WITNESS</td></tr><tr><td> OWNER</td><td> WITNESS</td></tr></table> <p>Before me the undersigned authority personally appeared the owner(s) named above who upon being duly sworn acknowledged before me that they are the owner(s) of the real property described above and that they executed the power of attorney for the purpose stated therein. Sworn and subscribed this <u>21<sup>st</sup></u> day of <u>December</u> 20<u>19</u>.</p> <table border="0"><tr><td>Notary Public: </td><td></td><td>Commission # GG 102811 Expires September 9, 2021 Bonded Thru Budget Notary Services</td></tr><tr><td>Commission Expires: <u>09/09/21</u></td><td></td><td></td></tr></table>			 OWNER	 WITNESS	 OWNER	 WITNESS	Notary Public: 		Commission # GG 102811 Expires September 9, 2021 Bonded Thru Budget Notary Services	Commission Expires: <u>09/09/21</u>		
 OWNER	 WITNESS											
 OWNER	 WITNESS											
Notary Public: 		Commission # GG 102811 Expires September 9, 2021 Bonded Thru Budget Notary Services										
Commission Expires: <u>09/09/21</u>												



[Department of State](#) / [Division of Corporations](#) / [Search Records](#) / [Detail By Document Number](#) /

## Detail by Entity Name

Florida Profit Corporation  
LOUMAX DEVELOPMENT, INC.

### Filing Information

**Document Number** P01000028001  
**FEI/EIN Number** 59-3707151  
**Date Filed** 03/19/2001  
**State** FL  
**Status** ACTIVE

### Principal Address

312 SW 7TH AVE  
OKEECHOBEE, FL 34974

Changed: 01/15/2007

### Mailing Address

P.O. BOX 5501  
FT LAUDERDALE, FL 33310

### Registered Agent Name & Address

FISHMAN, MICHAEL  
5064 NW 66 LN  
CORAL SPRINGS, FL 33067

### Officer/Director Detail

#### **Name & Address**

Title D

MARKUS, NEAL J  
1110 OYSTERWOOD ST  
HOLLYWOOD, FL 33019

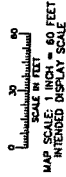
Title D

FISHMAN, MICHEAL S  
5064 NW 66TH LANE  
CORAL SPRINGS, FL 33067

### Annual Reports

Report Year	Filed Date
-------------	------------

*BOUNDARY SURVEY PREPARED FOR  
LOUMAX DEVELOPMENT, INC.*



LOTS 1 THROUGH 6, INCLUSIVE, BLOCK 190, OKEECHOBEE, ACCORDING TO THE PLAT THEREOF RECORDED IN PLAT BOOK 5, PAGE 5 OF THE PUBLIC RECORDS OF OKEECHOBEE COUNTY, FLORIDA.

ALL OF BLOCK 191, OKEECHOBEE, ACCORDING TO THE PLAT THEREOF  
RECORDED IN PLAT BOOK 5, PAGE 5 OF THE PUBLIC RECORDS OF  
OKEECHOBEE COUNTY, FLORIDA.

A PORTION OF THE FLORIDA EAST COAST RAILWAY COMPANY RIGHT-OF-WAY, SINCE ABANDONED, AND OF NORTH CURVE STREET, SINCE ABANDONED, AS SHOWN ON PLAT OF FIRST ADDITION TO OKEECHOBEE, FLORIDA, AS RECORDED IN PLAT BOOK 5, PAGE 6, OF THE PUBLIC RECORDS OF OKEECHOBEE COUNTY, FLORIDA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

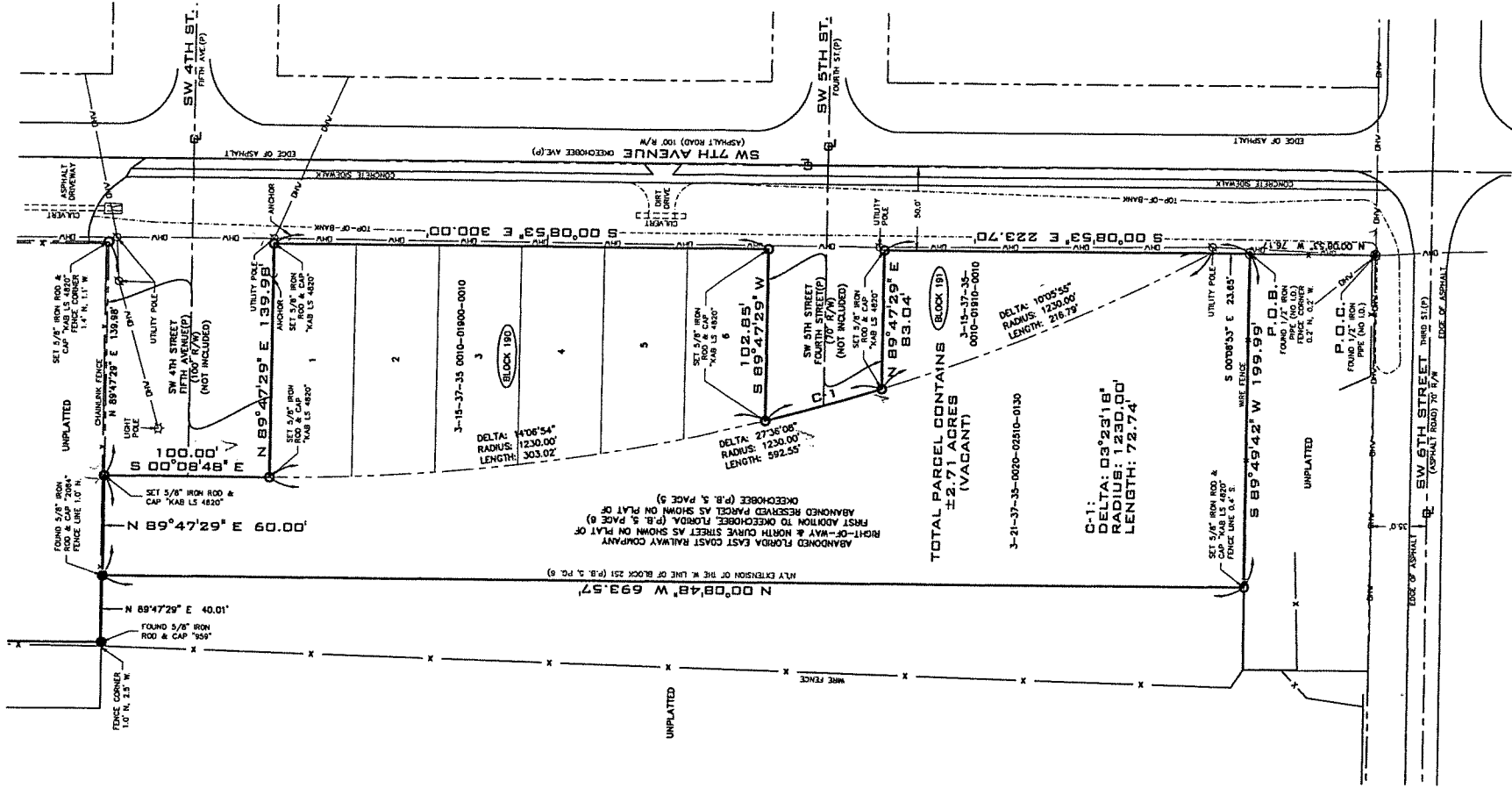
PROJECT SPECIFIC NOTES:

2) SITE ADDRESS: NOT ASSIGNED AT TIME OF SURVEY.

4) THIS SURVEY IS NOT INTENDED TO DEPICT JURISDICTIONAL AREAS OR OTHER AREAS OF LOCAL CONCERN.

THE SURVEY DEPICTED HERE IS NOT COVERED BY PROFESSIONAL LIABILITY INSURANCE. ADDITIONS OR DELETIONS TO SURVEY MAPS OR REPORTS BY OTHER THAN THE SIGNING PARTY OR PARTIES IS PROHIBITED WITHOUT WRITTEN CONSENT OF THE SIGNING PARTY OR PARTIES.

7) DATE OF LAST FIELD SURVEY: 12/30/19.



STANDARD NOTES: No search of the public records for determination of ownership or restrictions affecting the lands shown was performed by the surveyor. The survey depicted here is prepared exclusively for those parties noted. No responsibility or liability is assumed by the surveyor for use by others not specifically named. Not valid without the signature and embossed seal of Florida licensed surveyor and mopper #4820. There are no visible above ground encroachments except as shown. No attempt was made to locate underground improvements and/or encroachments (if any) as part of this survey. This survey was prepared in accordance with and conforms to the standards of practice for professional surveyors and moppers as outlined in Chapter 3J-17, Florida Administrative Code.

PREPARED FOR THE EXCLUSIVE USE OF:

DESCRIPTION	DWG. DATE	BY	CK
BOUNDARY SURVEY	01/32/20	WC	KAB
REVERSE LEGAL DESCRIPTION		WC	RB
EXISTING EASEMENT THE WEST 1/4 OF SEC. 7N T14N R10E S07W3/4 IS TAUGH TO BEAR S 07W3/4 E		FB /PG: 354/778 FILE: 33421	
		SCALE: 1" = 60'	JOB NO: 33421

200 S.W. 3rd Avenue  
Okeechobee, FL 34974  
Tel: (863) 763-2887  
Fax: (863) 763-4342  
Email: [kab.twps@yahoo.com](mailto:kab.twps@yahoo.com)

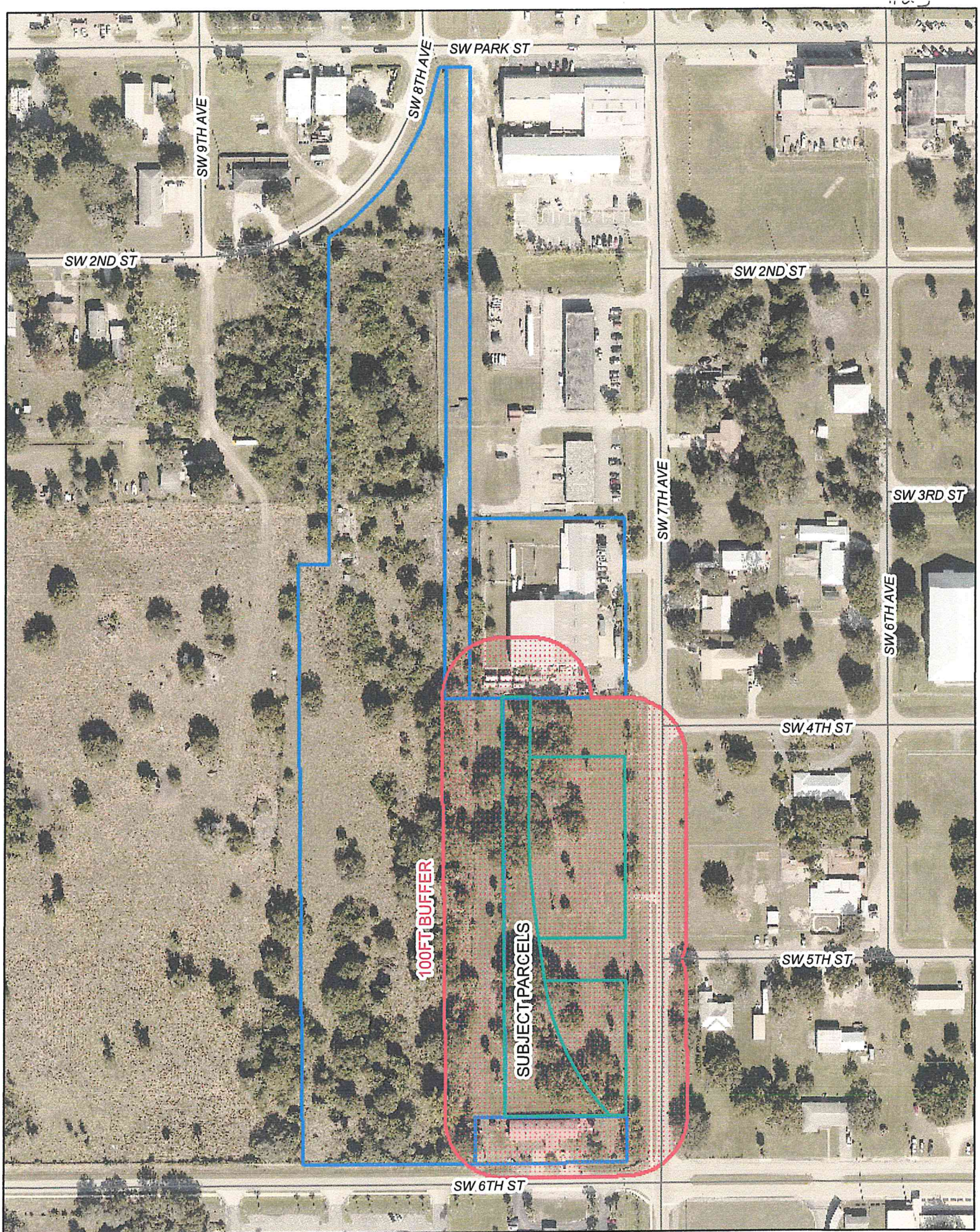


Richard Barnes, III, PSM 7074

[illegible]

# 20-002-SSA





THIS MAP HAS BEEN COMPILED FROM THE MOST AUTHENTIC INFORMATION AVAILABLE AND THE OKEECHOBEE COUNTY PROPERTY APPRAISER'S OFFICE DOES NOT ASSUME RESPONSIBILITY FOR ERRORS OR OMISSIONS CONTAINED HEREON

OKEECHOBEE COUNTY PROPERTY APPRAISER'S OFFICE





PARCEL NUMBER	OWNER	ADDRESS 1	ADDRESS 2	CITY	ST	ZIP
2-21-37-35-0A00-00006-C000	HAVEN OF REST INC	32801 US HIGHWAY 441 N LOT 244		OKEECHOBEE	FL	349720296
2-21-37-35-0A00-00053-0000	SALRY RR	C/O CSX CORP	500 WATER ST J910	JACKSONVILLE	FL	332020000
2-21-37-35-0A00-00013-0000	DIOCESE OF PALM BEACH	ATTN REAL ESTATE DEPT	P O BOX 109650	PALM BEACH GARDENS	FL	334100000
3-21-37-35-0020-02510-0010	A CHILD'S WORLD CHILDCARE &	PRESCHOOL INC	703 SW 6TH ST	OKEECHOBEE	FL	349744288
3-15-37-35-0010-01970-0010	OKEECHOBEE COUNTY SCHOOL BOARD			OKEECHOBEE	FL	34972
3-21-37-35-0020-02510-0120	110 MARION ROAD INC	PO BOX 453511		MIAMI	FL	332453511
3-15-37-35-0010-01920-0100	HAMRICK SARAH REGINA REVOC TRU	P O BOX 837		OKEECHOBEE	FL	349730000
3-15-37-35-0010-01920-0070	UNDERWOOD WILLIAM L & KELLEY A	615 SW 5TH ST		OKEECHOBEE	FL	349744258
3-15-37-35-0010-01920-0040	UNDERWOOD WILLIAM L & KELLEY A	615 SW 5TH ST		OKEECHOBEE	FL	349744258
3-15-37-35-0010-01920-0010	SCHOOLEY KEVIN L & DEBORAH S	2139 SW 22ND CIR N		OKEECHOBEE	FL	349745701
3-15-37-35-0010-01890-0010	KNISELY LINDA RUCKS & ROBERT	601 SW 4TH STREET		OKEECHOBEE	FL	34974
3-15-37-35-0010-01790-0080	HILL JUDITH E	635 SW 85TH AVE		OKEECHOBEE	FL	34974
3-15-37-35-0010-01790-0060	CREECH DANIEL B	406 SW 2ND STREET		OKEECHOBEE	FL	34974
2-21-37-35-0A00-00005-0000	LOUMAX DEVELOPMENT INC	PO BOX 5501		FT LAUDERDALE	FL	33310
3-15-37-35-0010-01790-0010	BELIEVERS FELLOWSHIP	P O BOX 653		OKEECHOBEE	FL	34973
2-21-37-35-0A00-00001-A000	OKEECHOBEE PLAZA PROPERTIES	MANAGEMENT LLC	4285 21ST STREET SW	VERO BEACH	FL	32968
2-21-37-35-0A00-00001-A000	OKEECHOBEE PLAZA PROPERTIES	MANAGEMENT LLC	4285 21ST STREET SW	VERO BEACH	FL	32968
3-15-37-35-0010-01890-0100	SCHOOLEY KEVIN L & DEBORAH S	604 SW 5TH STREET		OKEECHOBEE	FL	34974
3-15-37-35-0010-01890-0040	SCHOOLEY KEVIN L & DEBORAH S	2139 SW 22ND CIR N		OKEECHOBEE	FL	349745701

Petition No. 20-001-R

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

I hereby certify under the penalty of law or the revocation of the requested approval sought that to the best of my knowledge and belief, the attached list constitutes the complete and accurate list of the property owners, addresses, and parcel identification numbers of all parcels and tracts within three hundred (300) feet not including intervening streets, alleys, or waterways, of the perimeter of the lands which are subjects of, or are contiguous to but held under the same ownership as, the lands subject to the application for a change in land use or zoning, said list constituting a portion of that application. This affidavit is made based upon an inspection of the tax rolls of the Property Appraiser of Okeechobee County as of DECEMBER 19TH, 2019 and the Assertions made to me by members of that Office that the information reviewed constitutes the most recent information available to that office. I therefore attest to this 19 day of

December, 2019.

[Signature]  
Signature of Applicant

12/19/19  
Date

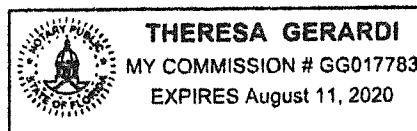
NEAL MARKUS

Name of Applicant (printed or typed)

Sworn to and subscribed before me this 19 day of DECEMBER, 2019. Personally known to me NEAL MARKUS or produced [Signature] as identification and did not take an oath.

[Signature]  
Notary Public, State of Florida

Seal:





**Okeechobee County Property Appraiser**

Mickey L. Bandi

**2019 Certified Values**

updated: 1/2/2020

Parcel: << **3-15-37-35-0010-01910-0010** >>

Aerial Viewer Pictometry Google Maps

**Owner & Property Info**

Owner	SPRADLEY RUTH G & NEMEC GALE B %NEMEC CHILDREN'S TRUST 5243 EUROPA DR UNIT P BOYNTON BEACH, FL 334370000		
Site	SW 6TH ST, OKEECHOBEE		
Description*	CITY OF OKEECHOBEE ALL BLOCK 191		
Area	0.409 AC	S/T/R	15-37-35
Use Code**	VACANT (000000)	Tax District	50

\*The Description above is not to be used as the Legal Description for this parcel in any legal transaction.

\*\*The Use Code is a Dept. of Revenue code. Please contact Okeechobee County Planning &amp; Development at 863-763-5548 for zoning info.

**Property & Assessment Values**

2018 Certified Values		2019 Certified Values	
Mkt Land (1)	\$25,087	Mkt Land (1)	\$25,087
Ag Land (0)	\$0	Ag Land (0)	\$0
Building (0)	\$0	Building (0)	\$0
XFOB (0)	\$0	XFOB (0)	\$0
Just	\$25,087	Just	\$25,087
Class	\$0	Class	\$0
Appraised	\$25,087	Appraised	\$25,087
SOH Cap [?]	\$0	SOH Cap [?]	\$0
Assessed	\$25,087	Assessed	\$25,087
Exempt	\$0	Exempt	\$0
Total Taxable	county:\$25,087 city:\$25,087 other:\$25,087 school:\$25,087	Total Taxable	county:\$25,087 city:\$25,087 other:\$25,087 school:\$25,087

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

**▼ Sales History**

Sale Date	Sale Price	Book/Page	Deed	V/I	Quality (Codes)	RCode
8/1/1990	\$0	316/1436	WD	V	U	03

**▼ Building Characteristics**

Bldg Sketch	Bldg Item	Bldg Desc*	Year Blt	Base SF	Actual SF	Bldg Value
NONE						

**▼ Extra Features & Out Buildings (Codes)**

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

**▼ Land Breakdown**

Land Code	Desc	Units	Adjustments	Eff Rate	Land Value
161CI2	CITY LT (MKT)	223.000 FF - (0.409 AC)	1.00/1.00 1.00/1.00	\$112	\$25,087



**Okeechobee County Property Appraiser**

Mickey L. Bandi

**2019 Certified Values**

updated: 1/2/2020

Parcel: << **3-15-37-35-0010-01900-0010** >>**Owner & Property Info**

Result: 1 of 3

Owner	SPRADLEY RUTH G & NEMEC GALE B %NEMEC CHILDREN'S TRUST 608 HARBOUR POINTE WAY GREENACRES, FL 334130000		
Site	SW 7TH AVE, OKEECHOBEE		
Description*	CITY OF OKEECHOBEE LOTS 1 TO 6 INC BLOCK 190		
Area	0.86 AC	S/T/R	15-37-35
Use Code**	VACANT (000000)	Tax District	50

\*The Description above is not to be used as the Legal Description for this parcel in any legal transaction.

\*\*The Use Code is a Dept. of Revenue code. Please contact Okeechobee County Planning & Development at 863-763-5548 for zoning info.

**Property & Assessment Values**

2018 Certified Values		2019 Certified Values	
Mkt Land (1)	\$41,850	Mkt Land (1)	\$41,850
Ag Land (0)	\$0	Ag Land (0)	\$0
Building (0)	\$0	Building (0)	\$0
XFOB (0)	\$0	XFOB (0)	\$0
Just	\$41,850	Just	\$41,850
Class	\$0	Class	\$0
Appraised	\$41,850	Appraised	\$41,850
SOH Cap [?]	\$0	SOH Cap [?]	\$0
Assessed	\$41,850	Assessed	\$41,850
Exempt	\$0	Exempt	\$0
Total Taxable	county:\$41,850 city:\$41,850 other:\$41,850 school:\$41,850	Total Taxable	county:\$41,850 city:\$41,850 other:\$41,850 school:\$41,850

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

Aerial Viewer Pictometry Google Maps

☒ 2019
 ☐ 2018
 ☐ 2017
 ☐ 2015
 ☐ 2014
 ☐ Sales
**▼ Sales History**

Sale Date	Sale Price	Book/Page	Deed	V/I	Quality (Codes)	RCode
8/1/1990	\$0	316/1436	WD	V	U	03
4/6/1964	\$0	80/0731	QC	V	U	03
2/18/1964	\$0	79/0499	QC	V	U	03
2/17/1964	\$0	79/0497	QC	V	U	03

**▼ Building Characteristics**

Bldg Sketch	Bldg Item	Bldg Desc*	Year Blt	Base SF	Actual SF	Bldg Value
NONE						

**▼ Extra Features & Out Buildings (Codes)**

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

**▼ Land Breakdown**

Land Code	Desc	Units	Adjustments	Eff Rate	Land Value

1/6/2020

Okeechobee County Property Appraiser

161C12	CITY LT (MKT)	300.000 FF - (0.860 AC)	1.00/1.00 1.00/1.00	\$140	\$41,850
Search Result: 1 of 3					
© Okeechobee County Property Appraiser   Mickey L. Bandi   Okeechobee, Florida   863-763-4422					by: GrizzlyLogic.com



**Okeechobee County Property Appraiser**

Mickey L. Bandi

**2019 Certified Values**

updated: 1/2/2020

Parcel: << **3-21-37-35-0020-02510-0130** >>**Owner & Property Info**

Owner	SPRADLEY RUTH G & NEMEC GALE B %NEMEC CHILDREN'S TRUST 608 HARBOUR POINTE WAY GREENACRES, FL 334130000		
Site	SW 6TH ST, OKEECHOBEE		
Description*	THAT PORTION OF THE FLORIDA EAST COAST RAILWAY COMPANY RIGHT-OF-WAY, SINCE ABANDONED, AND OF NORTH CURVE STREET, SINCE ABANDONED, AS SHOWN ON PLAT OF FIRST ADDITION TO OKEECHOBEE, FLORIDA, AS RECORDED IN PLAT BOOK 2, PAGE 26, OF THE PUBLIC RECORDS OF SAINT ...more>>>		
Area	1.6 AC	S/T/R	21-37-35
Use Code**	VACANT (000000)	Tax District	50

\*The Description above is not to be used as the Legal Description for this parcel in any legal transaction.

\*\*The Use Code is a Dept. of Revenue code. Please contact Okeechobee County Planning & Development at 863-763-5548 for zoning info.

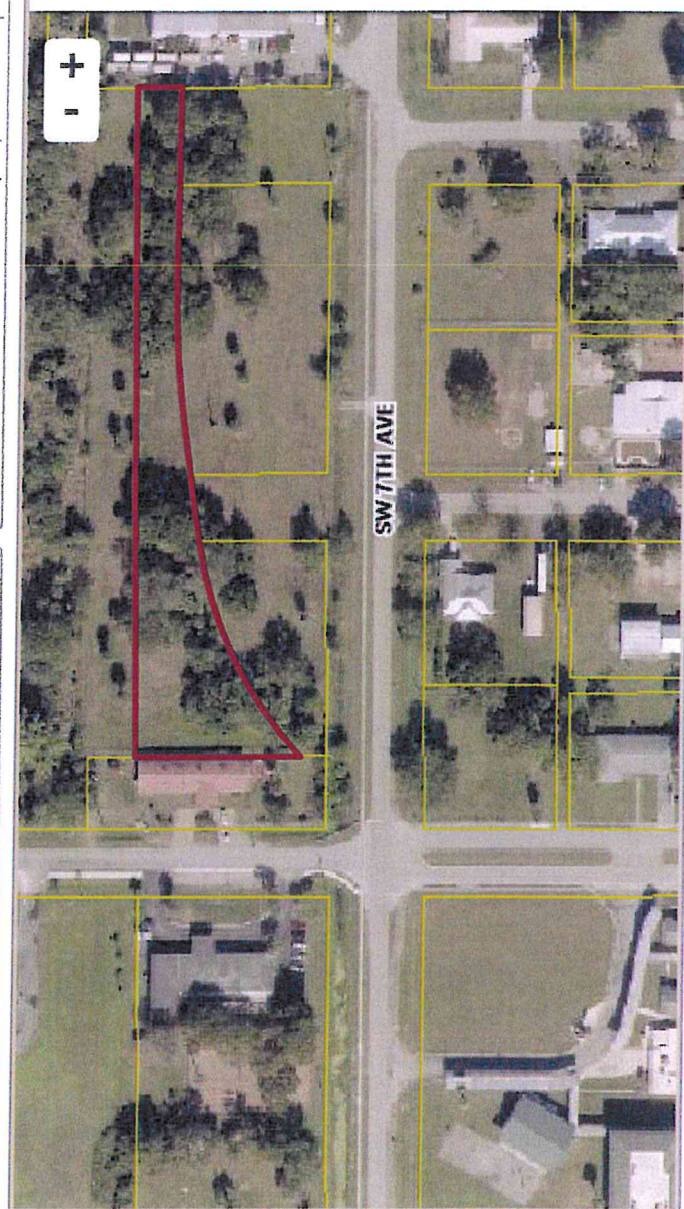
**Property & Assessment Values**

2018 Certified Values		2019 Certified Values	
Mkt Land (1)	\$15,600	Mkt Land (1)	\$16,800
Ag Land (0)	\$0	Ag Land (0)	\$0
Building (0)	\$0	Building (0)	\$0
XFOB (0)	\$0	XFOB (0)	\$0
Just	\$15,600	Just	\$16,800
Class	\$0	Class	\$0
Appraised	\$15,600	Appraised	\$16,800
SOH Cap [?]	\$0	SOH Cap [?]	\$0
Assessed	\$15,600	Assessed	\$16,800
Exempt	\$0	Exempt	\$0
Total	county:\$15,600 city:\$15,600	Total	county:\$16,800 city:\$16,800
Taxable	other:\$15,600 school:\$15,600	Taxable	other:\$16,800 school:\$16,800

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

Aerial Viewer Pictometry Google Maps

2019 2018 2017 2015 2014 Sales

**▼ Sales History**

Sale Date	Sale Price	Book/Page	Deed	V/I	Quality (Codes)	RCode
8/1/1990	\$0	316/1436	WD	V	U	03

**▼ Building Characteristics**

Bldg Sketch	Bldg Item	Bldg Desc*	Year Blt	Base SF	Actual SF	Bldg Value
NONE						

**▼ Extra Features & Out Buildings (Codes)**

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

**▼ Land Breakdown**

Land Code	Desc	Units	Adjustments	Eff Rate	Land Value

1/6/2020

Okeechobee County Property Appraiser

961CAC

NON/CONFIG (MKT)

1.600 AC

1.00/1.00 1.00/0.75

\$10,500

\$16,800

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

by: GrizzlyLogic.com



## **Staff Report**

## **Rezoning Request**

*Prepared for:*        *The City of Okeechobee*

*Applicant:*           *Neal Markus*  
                              *Loumax Development Inc*

*Address:*             *500-600 Block of SW 7th Avenue*

*Petition No.:*        *20-001-R*



## General Information

Applicant Owner	Neal Markus, Loumax Development Inc Ruth G. Spradley & Gale B. Nemec
Applicant Address	PO Box 5501, Fort Lauderdale, FL 33310
Applicant Email Address	njmarkus@gmail.com
Site Address	500-600 Block of SW 7 <sup>th</sup> Avenue
Parcel Identification	3-15-37-35-0010-01910-0010 3-15-37-35-0010-01900-0010 3-21-37-35-0020-02510-0130
Contact Person	Steven L. Dobbs
Contact Phone Number	863.824.7644
Contact Email Address	sdobbs@stevedobbsengineering.com

## Request

The matter before the Local Planning Agency and City Council is an application to rezone three vacant parcels of land totaling 2.87 acres from Residential Multiple Family to Industrial. The properties are bounded by SW 7<sup>th</sup> Ave on the east side, SW 6<sup>th</sup> Street on the south side and the Applicants existing industrial facility to the north. The Applicant has stated that the reason for these requests is expansion of existing industrial operations. According to the Applicant's representative, the current operations include manufacturing of compressed air canisters.

The subject property is designated Single Family and Multi-Family Residential on the Future Land Use Map. The Applicant has submitted a concurrent request for a small scale future land use map amendment to change the designation of these same parcels to Industrial on the City's Future Land Use Map.

The current and proposed Future Land Use designations, zoning, existing use, and acreage of the subject property and surrounding properties are shown in the following tables and on the maps.

## Future Land Use, Zoning and Existing Use

	Existing	Proposed
Future Land Use	Single Family and Multi-Family Residential	Industrial
Zoning	Residential Multiple Family	Industrial
Use of Property	Vacant	Industrial
Acreage	2.87 acres	2.87 acres

### Future Land Use, Zoning, and Existing Uses on Surrounding Properties

North	Future Land Use	Industrial
	Zoning	Industrial
	Existing Use	Loumax Development
East	Future Land Use	Single Family Residential
	Zoning	Residential Multiple Family
	Existing Use	Single Family Home and Vacant
South	Future Land Use	Multi-Family Residential
	Zoning	Residential Multiple Family
	Existing Use	Childcare Facility
West	Future Land Use	Multi-Family Residential
	Zoning	Residential Multiple Family
	Existing Use	Vacant and Pending Residential Apartment Complex

### Analysis

Section 70-340 of the Land Development Regulations requires that the reviewing body find that an application for rezoning meets each of the following conditions. The Applicant has provided brief comments to each of the required findings. These are repeated below in Times Roman typeface exactly as provided by the Applicant. Staff has made no attempt to correct typos, grammar, or clarify the Applicant's comments. Staff comments are shown in this Arial typeface.

**1. *The proposed rezoning is not contrary to Comprehensive Plan requirements.***

Applicant Comment: "The proposed request in not contrary to the Comprehensive plan requirements and is currently zoned Residential Multiple Family and the surrounding properties are zoned industrial, single family and multi-family."

Staff Comment: The property to the north of these parcels is industrial but the remainder of the surrounding properties hold residential designations on the City's Future Land Use Map and the City's Zoning Map. While much of the directly adjacent land is vacant, there exists one single family residence and a preschool across SW 7th Ave from these parcels. Other single family residences exist nearby and a new multi-family apartment project has been approved nearby as well.

The Applicant currently owns and operates a 1.6 acre industrial site to the north of these subject parcels, which is one of only a few industrial properties south of Park Street in the City. We are not recommending approval of the Applicant's requested Future land use amendment because expansion of the Industrial Future Land Use in this area would be out of character with the predominantly residential nature of the surrounding neighborhood and is therefore inconsistent with the existing pattern of development and Future Land Use Objective 12 of the City's Comprehensive Plan. Additionally, if the City Council does not approve the

Applicant's concurrent small scale future land use map amendment, then this rezoning request cannot be approved either.

**2. *The proposed use being applied for is specifically authorized under the zoning district in the Land Development Regulations.***

Applicant Comment: "The proposed of expanding of Industrial projects on Industrially zoned land is specifically authorized under the proposed zoning district in the Land Development Regulations."

Staff Comment: Manufacturing of non-explosive products is a permitted use in the Industrial zoning district.

**3. *The proposed use will not have an adverse effect on the public interest.***

Applicant Comment: "The proposed land use change should have a positive impact on the public interest to develop land that has access to all utilities and roads and bring the land value up as a developed parcel instead of undeveloped."

Staff Comment: Expansion of the Applicant's existing operations could have positive impacts on the public interest by bringing additional jobs to the community and increasing the tax base of the City. However, allowing the expansion of industrial zoning and industrial uses could have an adverse impact in this predominantly residential neighborhood and could have an adverse impact on investment in residential development in this area.

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

Applicant Comment: "The proposed use is appropriate for the location and compatible with the adjacent land uses."

Staff Comment: If this rezoning request is approved, it would allow for expansion of industrial uses farther into an area that is predominantly residential. Industrial is typically one of the least compatible land uses to residential. In addition to the use the specific manufacturing use that the applicant is proposing at this location, it is important to consider the other uses that would be permitted according to the Industrial zoning district regulations including:

- Manufacturing, processing, except those which produce explosives
- Mechanical and repair services
- Bulk storage of nonhazardous material.
- Outdoor sales and storage, building contractor
- Wholesale sales and distribution
- Enclosed warehouse and storage
- Commercial laundry, dry cleaner
- Auto service station, car wash
- Radio, television or cable reception, transmission or operational facilities.
- Public utility.
- Public facility
- Water treatment services, (including storage of chemicals for use and/or retail sale)
- Pest control (including storage of chemicals for use and/or retail sale)
- Medical marijuana dispensary



**5. *The proposed use will not adversely affect property values or living conditions, or be a deterrent to the improvement or development of adjacent property.***

Applicant Comment: “The proposed use should positively impact property values, living conditions and be an improvement to the adjacent property and develop previously undeveloped land.”

Staff Comment: There are currently several vacant residentially zoned properties adjacent to the subject parcels. Approval of this rezoning request could affect the likeliness of those properties to be developed and could thereby affect the value of those properties. Additional heavy truck traffic in this neighborhood could also affect the living conditions of the nearby residents.

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

Applicant Comment: “The proposed use can be suitably buffered from surrounding unlike uses to the south and west. The parcel is bounded to the east by SW 7<sup>th</sup> Avenue. To the north is the applicant’s Industrial Property.”

Staff Comment: Depending on the specific activities involved, buffering can be used to alleviate some of the potential impacts of industrial uses. However, buffering will not reduce the impacts of increased heavy truck traffic in this predominantly residential neighborhood.

**7. *The proposed use will not create a density pattern that would overburden public facilities such as schools, streets, and utility services.***

Applicant Comment: “The use will not create density patterns that would overburden any public facilities. The potential development impacts will be within the already available amenities.”

Staff Comment: Potential demand for schools and recreation facilities would be reduced if this rezoning is approved. Potential demand for water, sewer and solid waste is likely to increase. Additional vehicle trips are also projected. However, approval of this request is not likely to create a density pattern that will overburden facilities.

**8. *The proposed use will not create traffic congestion, flooding or drainage problems, or otherwise affect public safety.***

Applicant Comment: “The proposed use will not impact traffic congestion as this is already a heavily traveled street with adequate capacity for the additional traffic. To the east there is a major ditch to the east where the parcel will drain into SW 7<sup>th</sup> Avenue ditch, a major collector in the City that discharges directly into the Rim Canal adjacent to Lake Okeechobee. This project will not adversely affect public safety.”

Staff Comment: There is no reason to doubt the Applicant’s comments on this finding. Drainage issues would be considered at time of site plan review.

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

Applicant Comment: “The proposed use has not been inordinately burdened by unnecessary restrictions.”

Staff Comment: The proposed use has not been inordinately burdened by unnecessary restrictions.

### **Recommendation**

Based on the foregoing analysis, we find the requested rezoning to Industrial to be inconsistent with the City’s Comprehensive Plan. We have reservations regarding the compatibility with adjacent uses and do not find it consistent with the urbanizing pattern of the area. Therefore, we **cannot** recommend approval of the Applicant’s rezoning request.

Additionally, we have not recommended approval of the Applicant’s concurrent request for a future land use map amendment of these parcels. If the Council does not approve that request, then this rezoning request cannot be approved either.

Submitted by:



Ben Smith, AICP  
Sr. Planner

February 11, 2020

Planning Board Public Hearing: February 20, 2020

City Council Public Hearing: (tentative) March 17, 2020

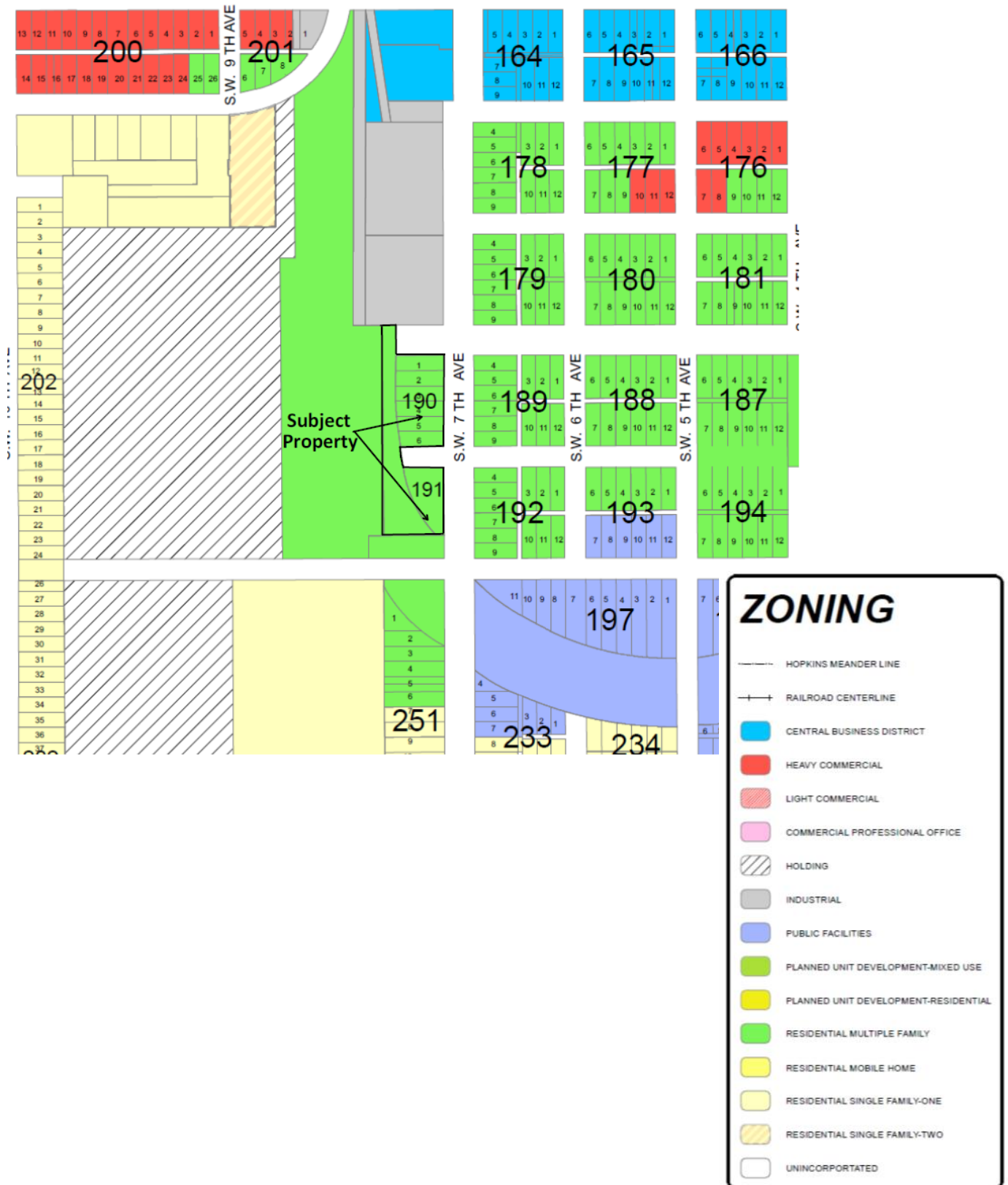
Attachments:   Future Land Use, Subject Site & Environs  
                      Zoning, Subject Site & Environs  
                      Aerial, Subject Site & Environs

## FUTURE LAND USE SUBJECT SITE AND ENVIRONS





## ZONING SUBJECT SITE AND ENVIRONS



## AERIAL SUBJECT SITE AND ENVIRONS





## Staff Report

**To:** Okeechobee Planning Board  
**From:** Ben Smith, AICP  
**Meeting Date:** March 19, 2020  
**Subject:** Workshop- Subdivision and Combination of Property

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In this workshop, we would like to proceed with direction from the Planning Board regarding several potential actions:

1. Create an application for De Minimis Subdivision and adopt it into Appendix A of the City's Land Development Code
2. Create an application for Joinder of Lots and adopt it into Appendix A of the City's Land Development Code
3. Create standards, procedures and an application for a platted parcel split. This action would involve splitting an existing platted parcel into more than two new parcels, only along existing lot lines. Land Development Code revisions would have to be adopted to Chapter 86 and the new application would have to be adopted into Appendix A.
4. Request that Okeechobee County require verification from the City that any de minimis subdivision, joinder of lots, or platted parcel split has been approved by the City prior to allowing the split to be recorded by the Property Appraiser.



## **Application for De Minimis Subdivision**

Section 86-90 of the Okeechobee City Code (see attached) currently provides standards and procedures for de minimis subdivision of land and references an application which is not currently provided in Appendix A of the Land Development Code. An application should be created and adopted by resolution.

## **Application for Joinder of Lots**

Section 86-91 of the Okeechobee City Code (see attached) currently provides standards and procedures for joinder of lots and references an application which is not currently provided in Appendix A of the Land Development Code. An application should be created and adopted by resolution.

## **Parcel splits into three or more parcels along existing platted lot lines**

Most all counties and cities in the state of Florida have a chapter of codes pertaining to subdivision of land. Florida Statute 177.031 defines 'subdivision' as:

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

The same statute defines 'plat' or 'replat' as:

*...a map or delineated representation of the subdivision of lands, being a complete exact representation of the subdivision and other information in compliance with the requirement of all applicable sections of this part and of any local ordinances.*

Thus, according to Florida Statute 177.031, anytime land is being divided into three or more parts and includes the creation of new rights-of-way, a plat must be created.

Chapter 86 of the City of Okeechobee's Land Development Code is entitled Subdivision and it includes standards and procedures for platting and includes standards and procedures for de minimis subdivisions and joinders. Section 86-4 provides the following definitions:

*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).*

*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.*

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

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

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

Where statute defines subdivision as division into at least three or more pieces and the establishment of new roads, the City defines subdivision as division into three or more pieces or the establishment of new roads. Because of the way that the City defines subdivision, a plat or replat is required for any subdivision of land into three or more parcels. Apparently, the only exception that the City provides for this is if all the divided parcels are greater than two acres in size. See attached City of Okeechobee Chapter 86.

Other jurisdictions allow for additional exemptions within the limits of the statute. The City of Cape Coral is one example that allows for lot splits along existing platted parcel lines without the need to replat. See attached City of Cape Coral Application for Lot Split and Lot Combination and see attached City of Cape Coral Code Section 3.3.4.

A significant amount of the land in the City of Okeechobee has already been platted. Additionally, there are parcels of land which are platted with multiple lots and are under single ownership. Allowing these owners to split their parcels into three or more individual lots along existing platted lot lines may also be appropriate for the City. No survey would need to be provided for this action but the other requirements which currently pertain to de minimis lot splits would still apply.

If the Board agrees with proceeding, standards and procedures for platted parcel splits would need to be adopted, as well as a new application.

## **Okeechobee County Verification of City Approval**

Through discussions with City and County staff during the course of researching these issues it became apparent that the Okeechobee Property Appraiser had only a few requirements for approval of lot splits and joinders:

- Completed application
- All taxes paid in full on all parcels involved
- All parcels must be contiguous
- Unity of title (for joinders)

For actions within the City of Okeechobee boundaries, there is currently no requirement that the County ascertain whether or not the requested action is in compliance with the City's land development code and Comprehensive Plan. This could become especially problematic in the case of lot splits that create non-conforming lots.

Through further research, it seems clear that some counties do require municipal approval prior to approval of parcel reconfigurations. See attached example Lee County Application and information supplement which requires municipal approval. If the Board agrees, it may be appropriate to discuss this issue with the Okeechobee County Community Development Department and the Okeechobee Property Appraiser.

Additionally, we'll need to find out whether the County would be willing to accept the platted parcel split procedure discussed above, as it is not clear that this type of action is currently allowed by the County.



# **CITY OF OKEECHOBEE**

## **Chapter 86 - SUBDIVISIONS**

### **ARTICLE I. - IN GENERAL**

#### **Sec. 86-1. - Purpose and intent of chapter.**

- (a) Land subdivision is the first step in community development. Once land has been subdivided into streets, lots and blocks and publicly recorded, the correction of defects is costly and difficult. Subdivided land sooner or later becomes a public responsibility, in that roads, drainage and utilities must be maintained and various customary city services must be provided. The welfare of the entire city is directly affected by land subdivision. It is to the interest of all taxpayers and citizens, the developer, and future residents that subdivisions be conceived, designed, and developed in accordance with sound practice and appropriate standards.
- (b) The intent and purpose of this chapter is to aid in the harmonious development of the city; to secure a coordinated layout and adequate provision for traffic; to secure adequate provision for light, air, recreation, transportation, potable water, flood prevention, drainage, wastewater, other sanitary facilities, and other city services; and to that end to prevent and prohibit the subdivision of land in the city that will not be accomplished in accordance with these regulations.
- (c) In addition to the design requirements for construction of such required improvements as roads and drainage, as set out in this chapter, compliance with the intent of these regulations require that good design be practiced in subdivision planning, valuable and scenic natural features conserved, and adequate open space be made available for public use. Size, shape and orientation of lots and blocks should be carefully considered with relation to future use of the various lots to be created.
- (d) It is intended that the regulations of this chapter shall be liberally constructed to accomplish their stated purposes.

(Ord. No. 669, § 3.00.01, 5-17-1994)

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

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

(Ord. No. 669, § 3.00.02, 5-17-1994)

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

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

(Ord. No. 669, § 3.00.03, 5-17-1994)

#### **Sec. 86-4. - Definitions.**

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

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

## CITY OF OKEECHOBEE

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

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

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

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

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

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

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

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

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

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

*Land* includes water surface and land under water.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(Ord. No. 669, § 3.01.00, 5-17-1994; Ord. No. 1170, § 1, 10-2-2018)

Cross reference— Definitions generally, § 1-2.

Secs. 86-5—86-40. - Reserved.

## **ARTICLE II. - PLANS AND PLATS**

### **DIVISION 1. - GENERALLY**

#### **Sec. 86-41. - Preparation of plats.**

Maps and plats are to be prepared by registered surveyors and construction plans and specifications for required improvements shall be prepared by a registered engineer.

(Ord. No. 669, § 3.02.00, 5-17-1994)

#### **Sec. 86-42. - Preapplication procedure.**

- (a) Prior to the filing on an application for conditional approval of the preliminary plat, the developer or subdivider shall submit to the city, through the general services department for review by city personnel and the technical review committee, plans and data as specified in this subpart B. This



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step does not require formal application fee, or filing of plat with the city council. The specified plans and data shall be filed with the city building official who will in turn refer the material to appropriate city departments for review, comment, criticisms and suggestions, and in turn submit them with preapplication plans and data to the technical review committee.

- (b) Within 30 days after receipt by the city of the preapplication material, the technical review committee shall meet, review the materials, comments and data as submitted or modified, and inform the developer whether the plans and data, do or do not meet the objectives of this chapter and the city comprehensive plan. When the committee finds the plans and data do not meet the objectives of this chapter, it shall express in writing the reasons therefore. Under no circumstance shall the developer be permitted to proceed with development prior to the approval of the committee, and conditional preliminary plat approved by the city council.

(Ord. No. 669, § 3.03.00, 5-17-1994; Ord. No. 838, § 1, 10-7-2003)

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

- (a) On reaching conclusions under preapplication procedure, as outlined in section 86-42, regarding his general purposes and objectives, the developer will prepare a preliminary plat, together with improvement and construction plans and other supplementary material as specified in section 86-72.
- (b) Eleven copies of the preliminary plat, improvement and construction plans, technical review committee comments, and supplementary material specified shall be submitted to the city council through the city administrator with written application for conditional approval at least 14 days prior to the meeting at which it is to be considered.
- (c) The city administrator shall be the agent for reporting in writing to the city council that recommendations, findings, or reports of the appropriate city departments to which he refers the materials specified in subsection (b) of this section, together with an analysis of compliance or noncompliance with regulations applicable to the preliminary plat and required supplementary materials. The city shall check to determine whether any taxes remain unpaid on the land in question.
- (d) At a public meeting, the city council will receive reports on and review the preliminary plat and required improvement and construction plans and supplementary materials to determine compliance with applicable regulations. The developer, adjoining owners and other persons interested in or affected by the proposed subdivision shall have a right to be heard in person, by letter, or by agent or attorney before action is taken by the city council.
- (e) The city council may conditionally accept the preliminary plat and approve the required construction and improvement plans and supplementary materials as presented, or with minor modifications, if found to be in compliance with this chapter, or may refuse to accept the preliminary plat and required construction and improvements plans supplementary materials when not found to be in compliance with, or readily capable of being revised to comply with, this chapter. If the council refuses to accept the preliminary plat and required construction and improvement plans and supplementary materials, the council shall state in writing the particular basis for the refusal, and a copy thereof shall be furnished to the developer.
- (f) At this stage, the city council, with the aid of the city administrator and appropriate city departments, shall, if conditional acceptance of the preliminary plat and required construction and improvement plans and supplementary materials is given, work out an agreement with the developer to include, but not to be limited to, provisions for carrying out the required construction and improvements to completion and the developing of the subdivision stages, if the proposed subdivision is to be a large one and the council shall find that development in stages is consistent with the intent and purposes of this chapter.

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- (g) The action of the city council shall be noted on two copies of the preliminary plat, references, and attached to any conditions made. One copy shall be returned to the developer and the other retained in the office of the city administrator.
- (h) Conditional acceptance of the preliminary plat and approval of construction plans for required improvements and required supplementary materials shall not constitute acceptance of the final plat. Rather, it shall be deemed an expression of acceptance of the layout submitted on the preliminary plat as a guide to the preparation of the final plat and approval of construction plans for required improvements and required supplementary materials.

(Ord. No. 669, § 3.04.00, 5-17-1994; Ord. No. 838, § 1, 10-7-2003)

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

- (a) The final plat shall conform substantially to the preliminary plat as approved, and, if desired by the developer and approved by the city council, it may constitute only that portion of the approved preliminary plat which he proposed to record and develop at the time; provided, however, that such portion conforms to all requirements of this chapter.
- (b) The final plat and required supplementary material shall be submitted for approval by the city council through the city administrator and for recording upon fulfillment of the requirements of this chapter and any conditions imposed at the time of conditional approval of the preliminary plat. The final plat shall conform to all applicable provisions of F.S. ch. 177.
- (c) Application for approval of the final plat and approval of construction of required improvements and required supplementary materials shall be submitted in writing at least 14 days prior to the city council meeting at which it is to be considered. The application shall be checked by the city administrator and other appropriate city departments for compliance with applicable regulations. The city administrator shall report in writing the findings of the city departments to the city council.
- (d) Copies of the final plat and required supplementary material shall be prepared as specified in section 86-73 and shall be submitted within 12 months after approval of the preliminary plat; otherwise, such conditional approval of the preliminary plat shall become null and void unless an extension of time is applied for in writing and granted by the city council.
- (e) One approved mylar and two reproducible prints and three paper prints of the final plat and one copy of the required supplementary material shall be submitted for the files of the city. Additional prints may be required upon demonstrated need of the city.
- (f) The city council shall accept, reject, or modify the final plat in conformity with this chapter.
- (g) Failure to comply with the provisions of this chapter and other applicable statutes and ordinances shall be cause for refusing to accept the final plat.

(Ord. No. 669, § 3.05.00, 5-17-1994)

Secs. 86-45—86-70. - Reserved.

## **DIVISION 2. - PLATS AND DATA**

### **Sec. 86-71. - Preapplication plans and data.**

In connection with the subdivision or resubdivision of land, the following materials are required at the stage of preapplication:

- (1) General subdivision information shall describe or outline the existing conditions of the site, including general information on drainage and topography, and the proposed development as necessary to supplement the drawings required in this division. This information may include,

## CITY OF OKEECHOBEE

but is not necessarily limited to, data on existing covenants, land characteristics, and available community facilities and utilities; and information describing the subdivision proposal such as number of residential lots, typical width and depth, price range, business areas, other public areas, proposed restrictive covenants, and proposed utilities and street improvements.

- (2) The location map shall show adjacent and surrounding properties the relationship of the proposed subdivision to existing community facilities which serve or influence it. The map shall include the development name and location; main traffic arteries; shopping centers; elementary and high schools, parks and playgrounds; principal places of employment; other community features such as railroads and bus stations; hospitals and churches; title; scale; north arrow; and date.
- (3) The sketch plan on the topographic survey shall show in simple sketch form the proposed layout of streets, lots, and other features in relation to existing conditions. The sketch plan may be a freehand pencil sketch made directly on a print of the topographic survey. In any event, the sketch plan shall include either the existing topographic data listed in section 86-72 or such of these data as the city council determines is necessary for its consideration of the proposed sketch plan.

(Ord. No. 669, § 3.08.01, 5-17-1994)

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

The preliminary plat shall be at a scale of not more than 200 feet to the inch. It shall show or be accompanied by the following information:

- (1) Proposed subdivision name or identifying title, which shall not duplicate or closely approximate the name of any other subdivision in the city.
- (2) Key plan, shown location of tract in reference to other areas of the city.
- (3) North arrow, graphic scale, scale, and data; basis of bearing (desired true bearing).
- (4) Name of the owner of the property or his authorized agent.
- (5) Name of the registered engineer or surveyor responsible for the plat and supporting data.
- (6) Tract boundaries, with angles and distances.
- (7) Conditions on tract, including all existing watercourses, drainage ditches, and bodies of water; marshes; rock outcrop, isolated preservable trees one foot or more in diameter; and other significant features.
- (8) All existing streets and alleys on or adjacent to the tract, including name, right-of-way width, street or pavement width, and established centerline elevations. Existing streets shall be dimensioned to tract boundaries.
- (9) All existing property lines, easements, and rights-of-way and the purpose for which the easements or rights-of-way have been established.
- (10) Location, names where applicable, and width of all proposed streets, alleys, rights-of-way, easements, and purpose of easements, proposed lot lines with approximate dimensions; lot numbers, and block numbers.
- (11) Ground elevations on the tract, based on USCGS datum level at minimum contour intervals sufficient to show disposition of surface drainage (city datum based on USCGS datum acceptable).
- (12) Subsurface conditions on the tract; location and results of tests made to ascertain subsurface soil, rock, and groundwater conditions; depth to groundwater unless test pits are dry at a depth of three feet; location and results of soil percolation tests if individual wastewater disposal systems are permitted.



## **CITY OF OKEECHOBEE**

- (13) Written statement and graphic representation and profiles, if necessary, showing proposed grades of streets and facilities for drainage.
- (14) When applicable, future land use classifications on and near the tract.
- (15) Utilities on or adjacent to the tract. Indicate whether above the ground or below the ground.
- (16) Sites, if any, to be dedicated or reserved for public use.
- (17) Preliminary specifications for required improvements, such as streets, curb and gutter, water, sanitary wastewater, storm drainage, etc.
- (18) Title and certifications; present tract designation according to official records in office of the county clerk; names and addresses of owners, including certification from developer's attorney or abstract company that the dedicator of the plat is the owner of record at the time plat is to be accepted for filing; statement from the owner that there are no mortgages on the property; if there are none, or if there be a mortgage, a letter of acknowledgement from the mortgagee stating that he approves the platting; certificate from the developer's attorney, or the county tax collector, that all due taxes have been paid at time application for conditional approval or acceptance is filed.
- (19) Draft of protective covenants, whereby the developer proposes to regulate land use in the subdivision and otherwise protect the proposed development.
- (20) Statements in accord with section 86-71(1).
- (21) Draft of proposed developer's agreement.

(Ord. No. 669, § 3.08.02, 5-17-1994)

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

- (a) The final plat is to be prepared by a surveyor or engineer registered in the state and to be clearly and legibly drawn as required for filing for record in the county, and in accordance with design standards and provisions of F.S. ch. 177. Where necessary, the plat may be several sheets accompanied by an index sheet showing the entire subdivision. For large subdivisions, the final plat may be submitted for approval or acceptance progressively in contiguous sections satisfactory to the city council. If required improvements are constructed without bond, all construction shall be in accord with this chapter and with the developer's agreement; if constructed with bond, all plans for required improvements shall be in accord with this chapter and with the developer's agreements. The final plat shall be at a scale of no more than 200 feet to the inch except where special dispensation is granted by the city council, and shall include the following features:
  - (1) Subdivision name or identifying title and name of recorded owner.
  - (2) Primary control points, approved by the city, or description and ties to such control points, to which all dimensions, angles, bearings, and similar data on the plat shall be referred.
  - (3) North point, scale, graphic scale, and data; basis of bearing (desired true bearing).
  - (4) Trace boundary lines, right-of-way lines of streets and easements, and other rights-of-way, and property lines of residential lots and other sites, with accurate dimensions, bearing or deflection angles, with radii, arcs, and central angles of all curves distances to be accurate to hundredths of a foot and angles to nearest minute.
  - (5) Location sketch showing location of subdivision with respect to section lines.
  - (6) Location and description of all permanent reference markers and permanent control points.
  - (7) The exact name, locations, and widths along the property lines of all existing or recorded streets intersecting or paralleling the boundaries of the tract.

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- (8) The exact layout including street and alley lines and rights-of-way; street names, bearings and widths (including widths along the lines of any obliquely intersecting street); lengths of arcs and radii, points of curvature, and chord and length and bearings; points of tangency or nontangency intersects; all easements owned by or rights-of-way provided for public utilities; all lot lines with dimensions in feet and hundredths, and with bearings or angles if other than right angles to the street and alley lines. All street names shall conform to the city system.
  - (9) Lots to be numbered in numerical order beginning with one in each block, and blocks to be lettered in alphabetical order.
  - (10) Minimum building setback lines on all lots or other sites.
  - (11) The accurate outline of all property which is to be dedicated, reserved, or proposed for public use, including open drainage courses and easements, and all property that may be reserved by covenants in deeds for the common use of the property owners in the subdivision, with the purposes indicated thereon.
  - (12) Reference to recorded subdivision plats of adjoining platted land by record number, name and date, the adjacent portions of which may be shown in outline form.
  - (13) A complete description of the land intended to be subdivided.
  - (14) Certification by registered surveyor or engineer attesting to the accuracy of the survey and that the permanent reference markers and control points have been established according to law and this chapter.
  - (15) Space and form for the following necessary acceptance or approvals: the mayor of the city and the county clerk of the circuit court.
  - (16) The plat shall contain on the face thereof an unreserved dedication to the public of all streets, highways, alleys, parks, parkways, easements, commons, or other public places included within the plat, such dedication to be subscribed to by the legal and equitable owners of such lands, which dedication shall be checked for accuracy of description by the city attorney and attested by a notary public.
- (b) Data for final approval shall include cross section and profiles of streets and any necessary drainage facilities, approved by the city. The profiles shall be drawn to city standard scales and elevations shall be based on a USCGS datum plane.
  - (c) Protective covenants in form for recording shall be included with data for final approval.
  - (d) No plat shall be accepted or approved unless and until all taxes and improvement liens levied against the lands included in such plat have been paid and discharged.
  - (e) No plan shall be accepted or approved for recording until the developer shall have entered into an agreement, in form for recording with the city specifying the following, at a minimum:
    - (1) The work to be done, and the time specified therefor, by the developer.
    - (2) The exception, if any, approved by the city to standard requirements.
    - (3) The participation in the development, if any, by the city and the time for completion of such work.
    - (4) The lien, if any, imposed upon the land of the developer for any work performed by the city.
    - (5) The conditions under which building permits will be allowed within the subdivision by the city.
    - (6) The conveyance by the developer to the city of all water, wastewater, and storm lines installed within dedicated public rights-of-way.
    - (7) The agreement of the developer to maintain and repair all streets constructed by the developer in the subdivision for a period of one year after completion of the same, and prior to acceptance of maintenance thereof by the city.

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- (f) The developer's agreement shall further contain a certification countersigned by the city administrator and showing the approval of the city council that the developer has complied with one of the following alternatives:
- (1) *Without bond.* The developer's engineer shall, upon completion of the entire work on the subdivision or on one or more units of the subdivision, as approved by the city council, furnish the city administrator with a written certificate of such completion, accompanied by the records and data as prescribed in this division; the city administrator, or authorized representative, shall recheck the plat and the work done and, if the same shall be found to comply with these regulations, the city council shall, on the recommendation of the city administrator, approve or accept the final plat.
  - (2) *With bond.* The developer shall furnish to the city within 60 days after approval or acceptance by the city council of the final plat, and any event prior to commencing any construction, a surety bond satisfactory to the city council guaranteeing that the work required will be completed in full accordance with the final plat and all conditions attached thereto, copies of which shall be attached to and constitute a part of the bond agreement. If the bond is not thus furnished, the final approval or acceptance of the plat shall be automatically voided, and the plat shall not be filed or recorded. One 12-month extension of the bond may be granted in the discretion of the city council, but not more than one such extension shall be granted. Such bond shall be in an amount to 120 percent of the sum of engineering and construction contracts substantiated by either a signed and sealed (by a professional engineer) opinion of probable costs or executed contracts, or both. The developer's agreement shall constitute a covenant by the city and the developer-owner of the subdivision, the terms and conditions of which shall run with the land; include a date at which time work will be completed in full compliance with final plat conditions; and be binding upon all successors in interest to the developer-owner.
- (g) Upon completion of the entire work on the subdivision or on one or more stages of the subdivision, in accordance with the developer's agreement, the developer's engineer shall furnish to the city a written certificate of such completion, accompanied by the records and data as prescribed in this section. The city shall recheck the plans and the work done and if the same shall be found to comply with this chapter and are in accordance with the developer's agreement, recommendations shall be made to the city council for the acceptance of the subdivision. The city council, upon the recommendation of the city administrator, shall approve the subdivision development which shall authorize issuance of permits for construction therein according to codes of the city. No temporary or conditional permit shall be issued prior to the acceptance of the development by the city council.

(Ord. No. 669, § 3.08.03, 5-17-1994)

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

- (a) For the purpose of generally enforcing and administering this chapter, the city administrator or duly authorized representative shall make such necessary inspections before, during, and after the construction of the work so that the city council may currently be informed of the status of the development and so that the city may generally assist all agencies and persons involved in the work to maintain the standards set by this chapter. Upon receipt of a signed and sealed certificate of completion from a professional engineer, the city council shall direct the city administrator to make a final inspection of each contract operation on the site. If the work conforms to all plans and specifications, the city administrator shall so inform the city council by letter, which body shall endorse the letter and transmit it to the developer or the developer's engineer. The letter shall constitute authority for release of the contractor's performance bond by the developer. If certain elements of the incomplete project do not conform to the requirements of this chapter and the plans and specifications, the city administrator shall notify the city council in writing, and that body shall transmit the same to the developer's engineer so that corrective measures may be instituted within the life of the construction contract and within the tenure of the contractor's performance bond.



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- (b) Upon completion of the elements of the work in accordance with this chapter and the plans and specifications, the city administrator shall submit a certificate to the city council that the work has been acceptably completed. The city council shall accept, modify, or reject this recommendation. If approved, the performance bond of the developer shall be reduced by 50 percent and held as a maintenance bond for one year. At such time it shall be released if no maintenance is necessary to correct any subsequent structural design imperfections.

(Ord. No. 669, § 3.09.00, 5-17-1994)

Secs. 86-75—86-89. - Reserved.

### **DIVISION 3. - SIMPLE LOT SPLIT/DE MINIMIS SUBDIVISIONS**

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

- (a) *Submittal.* The city shall consider a proposed lot 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,

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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.

(Ord. No. 1170 , § 2, 10-2-2018)

## **DIVISION 4. - PROCEDURE FOR APPLICATION SUBMISSION AND APPROVAL OF A JOINDER OF LOTS**

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

- (a) *Submittal.* The city shall consider a joinder (hereinafter referred to as a "joinder") upon submittal of two copies of the following information:
- (1) A cover letter describing the project, identifying the project contact person(s) and any other information relevant for city's staff review. If the applicant is other than the legal owner, the applicant's interest shall be indicated and the legal owner's authority to apply shall be included in a certified legal form.
  - (2) Completed application form.
  - (3) All applicable fees (Appendix C, Schedule of Land Development Regulation Fees and Charges).
  - (4) Owner's authorization (if applicable).

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- (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.

(Ord. No. 1170 , § 3, 10-2-2018)

Secs. 86-92—86-110. - Reserved.

### **ARTICLE III. - VARIANCES**

#### **Sec. 86-111. - Hardship.**

Where the city council finds that extraordinary hardships may result from strict compliance with this chapter so that substantial justice may be done and the public interest secured; provided, however, that such variation will not have the effect of nullifying the intent and purpose of the city comprehensive plan or this subpart B. Such variances shall be specified in the developer's agreement.

(Ord. No. 669, § 3.10.01, 5-17-1994)

#### **Sec. 86-112. - Large scale development.**

The standards and requirements of this chapter may be modified by the city council in the case of a plan and program for a new town, a complete community, or a neighborhood unit, which in the judgment of the city council will provide adequate public spaces and improvements for the circulation, recreation,

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light, air, and service needs of the tract when fully developed and populated, which will provide such covenants or other legal provisions as will ensure conformity to and achievement of the city comprehensive plan, and which will ensure that such development will not constitute an economic and tax burden on the city.

(Ord. No. 669, § 3.10.02, 5-17-1994)

### **Sec. 86-113. - Conditions.**

In granting variances and modifications, the city council may require such conditions as will, in its judgment, secure substantially the objectives of the standards and requirements so modified or varied.

(Ord. No. 669, § 3.10.03, 5-17-1994)

Secs. 86-114—86-140. - Reserved.

## **ARTICLE IV. - DESIGN STANDARDS**

### **Sec. 86-141. - Streets.**

- (a) The arrangement, character, extent, width, grade, design, construction, maintenance and location of all streets shall conform to the future traffic circulation map of the city comprehensive plan, The Manual of Standards for Design, Construction and Maintenance for City Streets (referred to in this article as the "public works manual"). New streets shall be considered in their relation to existing and planned streets, topographical conditions, to public convenience and safety, and in their appropriate relation to the proposed uses of the land to be served by such street. The public works manual is to be administered by the department of public works, and may, from time-to-time, be amended or changed by the director with the approval of the city administrator. Any variations from the standards contained within the public works manual shall be reviewed in advance by the director and approved by the city administrator.
- (b) Where such is not shown on the future traffic circulation map, the arrangement of streets in a subdivision shall either:
  - (1) Provide for the continuation or appropriate projection of existing principal streets in surrounding areas; or
  - (2) Conform to a plan for the neighborhood approved or adopted by the city council to meet a particular situation where topographical or other conditions made continuance or conformance to existing streets impracticable.
- (c) Within state department of transportation highways and other divided city streets, the city will require medians to be designed and constructed by the developer with curbs, concrete and brick, and provided with planting beds as shown in the public works manual. Concrete traffic separators shall extend for the entire length of left turn lanes. Where an access management plan has been agreed to by the city and the state department of transportation, medians shall be modified as necessary to conform to that agreement. Landscaping and irrigation systems shall also be provided by the developer after approval by the city administrator.
- (d) Local streets shall be so laid out that their use by through traffic will be discouraged.
- (e) Where a subdivision abuts on or contains an existing or proposed arterial street, the council may require marginal access streets, reverse frontage with a decorative block wall contained in a nonaccess reservation along the rear property line, deep lots with rear service alleys, or such other treatment as may be necessary for adequate protection of residential properties and to afford separation of through and local traffic. Where a decorative block wall is approved, such wall shall be



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designed and constructed to be a minimum of five feet in height with stucco surface painted and be in conformance with the landscape requirements of this subpart B.

- (f) Where a subdivision borders on or contains a railroad right-of-way or limited access highway right-of-way, the city council may require a marginal access street approximately parallel to and on each side of such right-of-way, at a distance suitable for the appropriate use of the intervening land, as for park purposes in residential districts, or for commercial or industrial purposes in appropriate districts. Distances involving rights-of-way shall also be determined with due regard for the requirements of approach grades and future grade separations.
- (g) Reserve strips controlling access to streets shall be prohibited except where their control is definitely placed in the city under conditions approved by the city council.
- (h) Street jogs with centerline offsets of less than 150 feet shall be avoided, except where topographic situations make this provision impractical.
- (i) A tangent at least 250 feet long shall be introduced between curves on arterial and collector streets.
- (j) When connecting street lines deflect from each other at any one point by more than ten degrees, they shall be connected by a curve with a radius adequate to ensure a sight distance of not less than 150 feet for local streets, 300 feet for collector streets, and 500 feet for arterial streets.
- (k) Streets shall be laid out so as to intersect as nearly as possible at right angles and no street shall intersect any other street at less than a 75 degree angle.
- (l) Property lines at street intersections shall be rounded with a radius of ten feet, or of a greater radius where the city council may deem it necessary. The city council may permit comparable cutoffs or chords in place of rounded corners.
- (m) There shall be no private streets or easements for street use platted in any subdivision without the specific approval of the city council. Where the city council approves private streets, the council shall ensure that adequate provision is made for the initial installation and future maintenance of such streets, to the end that such streets shall not become a future charge upon the city. Private streets shall be designed and constructed to the specifications of the public works manual.
- (n) Street right-of-way width shall be as provided in section 86-4.
- (o) Sight distances shall be as provided in the public works manual. The plat should indicate setback requirements on any street where they would be applicable. Additional rights-of-way may be required to promote public safety and convenience, or to ensure adequate access, circulation, and parking in high density residential areas, commercial areas, business areas, or industrial areas. Where a subdivision abuts on or contains an existing street of inadequate right-of-way width, additional rights-of-way in conformity with the standards of this section shall be required for new subdivisions.
- (p) Half or partial streets shall be prohibited. Wherever a half street is adjacent to a tract to be subdivided, the other half of the street shall be platted within such tract.
- (q) Dead-end streets, designed to be so permanently, shall be prohibited except when designed as culs-de-sac. Such streets shall be as provided in the public works manual without special permission of the city council, where due to unusual circumstances involving larger designs or topographical conditions a greater length may be deemed necessary.
- (r) Street names and lots numbers shall conform to the street naming and lot numbering plan of the city.
- (s) Street grades shall be determined in relation to the drainage installations for the subdivision. Wherever feasible, street grades shall not exceed five percent or less than one-half of one percent, unless otherwise approved by the city.

(Ord. No. 669, § 3.06.01, 5-17-1994)

Cross reference— Streets and sidewalks, ch. 46.

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### **Sec. 86-142. - Alleys.**

- (a) Alleys shall be provided in commercial and industrial districts, except that the city council may waive this requirements where other definite and assured provision is made for service access, such as off-street loading, unloading, and parking consistent with and adequate for the uses proposed. Alleys may be allowed in residential districts.
- (b) The width of an alley shall not be less than 20 feet.
- (c) Alley intersections and sharp changes in alignment shall be avoided, but where necessary, corners shall be cut off sufficiently to permit safe vehicular movements.
- (d) Dead-end alleys shall be prohibited.

(Ord. No. 669, § 3.06.02, 5-17-1994)

### **Sec. 86-143. - Easements.**

- (a) Normally, utility easements across lots or centered on rear or side lot lines will be permitted. Where, due to topography or other circumstances beyond the control of the developer, such easements are deemed by the city council to be necessary to the reasonable development of the property, such easements shall be at least 20 feet wide.
- (b) Where a subdivision is traversed by a watercourse, drainageway, channel, or stream, there shall be provided a stormwater easement or drainage right-of-way conforming substantially with the lines of such watercourse, plus 15 on both sides. Further width or construction, or both, as necessary for the purpose of storm drainage facilities shall be required. Parallel street or parkways may be required in connection therewith where necessary for service maintenance and other measures for safety as may be required.
- (c) Other easements may be required for drainage purposes of such size and location as may be determined by the city.
- (d) Where necessary to safety and convenience, pedestrian and service easements shall be provided. Such pedestrian and service easements may include, or be included in, easements required in subsections (a), (b), and (c) of this section.

(Ord. No. 669, § 3.06.03, 5-17-1994)

### **Sec. 86-144. - Blocks.**

- (a) The lengths, widths, and shapes of blocks shall be determined with due regard to:
  - (1) Provision of adequate building sites suitable to the special needs of the type of use contemplated.
  - (2) Applicable requirements as to lot sizes and dimensions.
  - (3) Needs for convenient access, circulation, control, and safety of street and pedestrian traffic and fire protection.
  - (4) Limitations and opportunities of topography, with special emphasis on drainage of the proposed subdivision and the possible adverse effects of that drainage on properties nearly or adjoining the subdivision.
- (b) Block lengths should not exceed 2,200 feet, or be less than 400 feet in residential areas, except where special topographical conditions exist.

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- (c) Pedestrian crosswalks and bicycle ways, each not less than ten feet wide, may be required where deemed essential to provide circulation, or access to schools, playgrounds, shopping centers, transportation, and other community facilities.

(Ord. No. 669, § 3.06.04, 5-17-1994)

### **Sec. 86-145. - Lots.**

- (a) The lot size, width, depth, shape and orientation, and the minimum building setback lines shall be appropriate for the location of the subdivision and for the type of development and use contemplated. Lot arrangement and design shall be such that all lots will provide satisfactory and desirable building sites in conformance with the development design improvement standards of this subpart B.
- (b) Depth and width of all parcels shall be adequate to provide for the off-street service and parking facilities required by the type of use and development contemplated and the standards of design provided by this subpart B.
- (c) Corner lots for residential use shall have not less than 25 percent extra width, greater than the average of corresponding interior lots of the same block, to permit appropriate building setbacks from and orientation to both streets.
- (d) The subdividing of the land shall be such as to provide by means of a public street, each lot with satisfactory and permanent access to an existing public street, provided that the city council may approve private streets when constructed to the specifications of the public works manual and when adequate provision for initial installation and future private maintenance is made for such streets.
- (e) Double frontage and reverse frontage lots should be avoided except where essential to provide separation of residential development from traffic arteries or to overcome specific disadvantages of topography and orientation. A decorative block wall as required by the landscaping provisions of this subpart B shall be provided as specified in subsection (d) of this section.
- (f) Side lot lines shall be substantially at right angles or radial to street lines, and entrance of automobiles from the lot to the street shall be approximately at right angles or radial to street lines.

(Ord. No. 669, § 3.06.05, 5-17-1994)

### **Sec. 86-146. - Public sites and open spaces.**

Where a proposed park, playground, school, or other public use is located in whole or in part in a subdivision, the city council may require the reservation of such area within the subdivision in those cases in which the city council deems such requirements to be reasonable and in the public interest. The city may, in such cases, seek the voluntary dedication by the developer of such areas.

(Ord. No. 669, § 3.06.06, 5-17-1994)

Secs. 86-147—86-180. - Reserved.

## **ARTICLE V. - REQUIRED IMPROVEMENTS**

### **Sec. 86-181. - Monuments.**

- (a) Permanent reference markers shall be placed at each corner or change of direction on the boundary lines of the lands being subdivided. All such permanent reference markers shall be located and placed in conformity with F.S. § 177.091(7), and the markers shall meet the standards specified in F.S. § 177.031(15).

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- (b) Permanent control points shall be set at such locations in the subdivisions as specified by F.S. § 177.091(8), and by the city. Permanent control points shall meet the standards specified in F.S. § 177.031(13).
- (c) All lot line boundaries shall be monumented as specified in F.A.C. ch. 61G-17.
- (d) The location of all monuments under subsections (a), (b) and (c) of this section shall be indicated on the final plat.
- (e) All original corner markers shall be protected throughout the development. Should such, or any, monuments, iron pipes, or iron pins serving as monuments, fall within pavements, driveways or sidewalks they shall be secured to proposed grades by eight-inch concrete pipes and a cast iron cap for access to the original monument. All monuments must be in place before the developer is released from bond, if a bond has been posted. If no bond is posted, monuments must be in place prior to the approval of the final plat. Any and all land monuments, subject to being disturbed or destroyed in the prosecution of construction, shall be accurately witnessed before construction and replaced at the expense of the developer upon the completion of construction.

(Ord. No. 669, § 3.07.01, 5-17-1994)

### **Sec. 86-182. - Storm drainage.**

- (a) A drainage system shall be designed showing the ultimate disposition of the design storm. All stormwater conveyance systems shall have adequate capacity to carry the runoff resulting from rainfall intensity which maybe expected for a ten-year storm period. Stormwater treatment and disposal facilities shall be designed for a 25-year storm event of 24-hour duration. Such facilities shall meet the design and performance standards established in F.A.C. 17-25.025. The first inch of stormwater runoff shall be treated on-site, pursuant to F.A.C. 17-3.051. Stormwater discharge facilities shall be designed such that the receiving water body shall not be degraded below minimum conditions necessary to ensure the suitability of water for the designated use of its classification as established in F.A.C. ch. 17-3. These standards shall apply to all development and redevelopment. Where there is substantial diversion of water, such diversion shall be accomplished so as to prevent erosion.
- (b) All drainage facilities shall be designed for a positive outfall to existing storm wastewater systems, lakes, canals, rivers, streams, or previously constructed city, county or state road ditches. All water retention areas shall be fenced and shall be screened by appropriate trees or shrubbery.
- (c) If the added runoff from the developed area will, in the judgment of the city, overtax or overload the existing public stormwater system or roadway, then the developer shall include in his plans sufficient work to enlarge the present facilities to care for the added drainage imposed on the system.
- (d) Where land is subject to periodic flooding by the overflow from creeks, rivers, or streams, a floodplain based on a 25-year, 24-hour storm must be established and clearly designated on the final plat. No building will be permitted within the area of the floodplain unless the entire area to be utilized for building is filled to a height of three feet above the floodplain and proposed filling as approved by the South Florida Water Management District (SFWMD).
- (e) Areas to be used for water retention purposes shall be designated as "general purpose areas" on the plat and shall not be shown on the plat in any other way. Such areas shall in no circumstances be given a lot designation in the subdivision. Such areas shall be held in common ownership and maintained by the property owners' association. Such property owners' association shall be provided for in the protective covenants specified in section 86-72, with provisions that provide for maintenance of retention areas and assessment of property owners by the city if the property owners' association fails to adequately maintain such water retention areas. If the city council agrees to accept the dedication of the water retention areas, they shall be deeded as general purpose areas in a given block, as the case may be.



## **CITY OF OKEECHOBEE**

- (f) Drainage facilities and necessary auxiliary improvements such as fencing and screening must be constructed and approved before the developer is released from bond, if a bond has been posted. If no bond is posted, drainage facilities must be constructed and approved by the city before the approval of the final plat.
- (g) Notwithstanding the provisions of this section, compliance with all SFWMD regulations is also required, and the most restrictive condition between SFWMD and city requirements shall be accomplished.

(Ord. No. 669, § 3.07.02, 5-17-1994)

### **Sec. 86-183. - Clearing and grading rights-of-way.**

The developer shall be required to clear all rights-of-way in accordance with the public works manual. The city council may provide that trees need not be removed from the right-of-way, where the preservation of such trees will not hinder the future maintenance of streets, drainage, or be a hazard to vehicular or pedestrian safety. All debris shall be removed from the rights-of-way.

(Ord. No. 669, § 3.07.03, 5-17-1994)

### **Sec. 86-184. - Bridges and culverts.**

- (a) All bridges and culverts shall meet the standards specified by the state department of transportation as contained in Standard Specifications for Road and Bridge Construction.
- (b) Locations of bridges and culverts, with construction data and full specifications, shall be shown in an exhibit, and approval or acceptance of the final plat shall not be accomplished unless such exhibit is transmitted.
- (c) Bridges and culverts must be constructed and approved before the developer is released from bond, if a bond has been posted. If no bond is posted, bridges and culverts must be constructed and approved by the city administrator before the approval of the final plat.

(Ord. No. 669, § 3.07.04, 5-17-1994)

### **Sec. 86-185. - Wastewater and water.**

Standards for installation of water, wastewater and storm wastewater are as follows:

- (1) Installation of any water and wastewater system shall comply with appropriate state regulations and standard specifications provided in the Public Utilities Manual and the Manual of Standards and Design Construction and Maintenance for Water and Wastewater Systems, and shall be installed under the direction and supervision of, and subject to the inspection and approval of, the city. If any defects shall occur in the water or sanitary wastewater facilities within one year from the date of acceptance by the city, such defects shall be remedied and corrected at the developer's expense. The specifications and location of fire hydrants shall be approved by the city.
- (2) All necessary storm drainage facilities, either underground pipe, drainage wells, canals, or drainage ditches, shall be installed to city standards and specifications, and subject to the approval of the city, so as to provide adequate disposal of surface water and to maintain any natural watercourses. In areas where high groundwater exists and it is deemed necessary by the city for the protection of paved streets, underdrains shall be installed. If any defects shall occur in the storm drainage system within one year from the date of acceptance by the city, such defects shall be remedied and corrected at the developer's expense.

## **CITY OF OKEECHOBEE**

- (3) Installations for water, wastewater and storm drainage shall be installed as specified in this subpart B.

(Ord. No. 669, § 3.07.05, 5-17-1994)

### **Sec. 86-186. - Streets.**

- (a) All streets and public ways shall be cleared and graded to their full width of right-of-way and to the established and approved grade as set out in section 86-183. If required to prevent erosion or excessive washing, protective measures shall be taken by the developer as required by the city.
- (b) All streets shall be paved to the minimum applicable standard specified in the public works manual. Curbs and gutters may be required where storm drainage runoff necessitates this form of channelization; where curbs and gutters are not required, pavements edges shall be bonded or otherwise strengthened to ensure against pavement edge breakage.

(Ord. No. 669, § 3.07.06, 5-17-1994)



Date: \_\_\_\_\_

## APPLICATION FOR A LOT SPLIT AND LOT COMBINATION

A lot split or combination within the City of Cape Coral may affect conformity with the City's Land Use and Development Regulations. Prior to the division or combining of any parcel(s), City approval is required. In addition to City approval, all outstanding property taxes must be paid. For lot combinations, all parcels must be titled the same. (e.g. single, tenants in common, tenants by entirety)

### Directions for Submittal

Please submit all items to the Planning Division. Please allow ten (10) business days for approval from date of receipt. To avoid delay, the initial submission should include the following information:

1. For **lot splits** and **lot combinations** - One (1) copy of the completed **Application for a lot split and lot combination**.
2. For **lot splits** or **lot combinations** not along platted lot lines or unplatted parcels, you must include:
  - a) Complete boundary identification, with legal description of the parent tract of land from which the division is being created.
  - b) Complete boundary identification, with a legal description of each area proposed for division.
  - c) Location of any structures showing setback dimensions and identification of all existing or proposed easements and rights-of-way affecting the parent property and the proposed property to be created.

Survey(s) and legal descriptions shall be prepared and sealed by a professional Land Surveyor registered in the State of Florida. Note: If request(s) is to split or divide structure, application must go through the Planning and Building Divisions.

<input type="checkbox"/>	COMBINE		CHECK ONE		SPLIT	<input type="checkbox"/>
--------------------------	---------	--	-----------	--	-------	--------------------------

Folio IDs or STRAP Numbers

(attach another sheet if more than six)

Folio ID or STRAP Number

List Lot Number or Attach Sketch/Survey

BLOCK(S) INVOLVED \_\_\_\_\_

LOTS INVOLVED \_\_\_\_\_



Date: \_\_\_\_\_

**Property Owner Information**

Name: \_\_\_\_\_  
Address: \_\_\_\_\_  
Phone: \_\_\_\_\_  
Email: \_\_\_\_\_

Please include this form and all other required materials and mail, email, or fax this information to:

Department of Community Development  
PO Box 150027  
Cape Coral, FL 33915-0027  
Ph: (239) 574-0401  
Fax: (239) 574-0591  
Email: [planning@capecoral.net](mailto:planning@capecoral.net)

**Additional notes and information:**

Please be advised that this request does not imply suitability or authorize development of the parcel. Please contact the Planning Division concerning questions about the development of the parcel(s). No rights are being granted by this action that is reserved to any regulatory agency. This action does not nullify or alleviate any existing liens or encumbrances on the property.

If one of the parcels involved in the split or combination is receiving a **Homestead Exemption** through Lee County Property Appraiser, your exemption may be impacted. Please answer the following question if a homesteaded parcel is involved.

After completion of the split or combination, will the parcel(s) be used as part of your homesteaded property?

Yes ☐ No ☐

If no, how will the property be used?

\_\_\_\_\_

I authorize the Lee County Property Appraiser to obtain information to determine eligibility for Homestead Exemption. I understand that under section 196.131(2), Florida Statutes, any person who knowingly gives false information to claim Homestead Exemption is guilty of a misdemeanor of the first degree, punishable by imprisonment up to one (1) year, a fine up to \$5,000, or both.

Under penalties of perjury, I declare that I have read the foregoing affidavit and the facts in it are true. I further understand that if the Property Appraiser determines that for any year within the prior 10 years I was not entitled to receive this exemption, my property shall be subject to the taxes exempted, plus 15 percent per annum, and a penalty of 50 percent of the taxes exempted.

Signature \_\_\_\_\_

OFFICE USE ONLY	Simple Lot Split/Combination
Reviewed by: _____ Approved _____ Unapproved _____	
Signature: _____	
Date: _____	



## CAPE CORAL

### Section 3.3.4. - Lots splits and lot combines.

#### A. Purpose and Intent.

1. To provide standards for the split and combination of lots and tax parcels along existing platted lot or parcel lines.
2. To provide standards for the split and combination of lots or tax parcels that do not require a replat.
3. To provide for a one time split of property when the lot split or combine does not require approval as a new subdivision plat or replat.
4. This section shall not apply to unrecorded subdivisions.

#### B. General Requirements.

1. All divisions of land in the City shall occur only as a new subdivision plat, a replat, or a lot split. The requirements for subdivisions and replats are set forth in Article 10 of this Code. A lot split that does not meet the requirements of this chapter is deemed a subdivision or a replat and shall be defined and processed as set forth in Article 10.
2. No lot split shall be recognized by the City, no lot that is part of a lot split shall be sold, and no building permit shall be issued unless the lot split has been approved by the City prior to recording in accordance with the requirements of this Article.
3. Lot combinations do not vacate platted property lines or public utility easements. See Section 3.4.5 for Vacations.

#### C. Review Criteria and Standards.

1. Whether the lot split or combine creates nonconforming lots and structures.
2. The lot split or combine shall not cause marine improvements to become nonconforming for setbacks or any other standards regarding such structures.
3. Ensure that the lot split or combine does not create split zoning on a parcel.
4. The newly configured lots parcels must have at least twenty-five feet (25') of frontage on an existing right-of-way, private road, canal, lake, basin, or river. The minimum lot width of the zoning district must be met when measured at the front or rear setback, where applicable.
5. The newly created parcels shall not result in private utility lines crossing property lines.
6. A survey sketch prepared by a professional surveyor and mapper (PSM) indicating the legal description of the parent parcel, boundaries, dimensions, easements, restrictions or agreements affecting the property, rights-of-way, utilities, location of existing buildings, and other pertinent information including wetland boundaries and location of specimen and historic trees. The survey shall be required to be signed, sealed, dated, and certified to the City.
7. Approval and recording. The Community Development Department shall review the proposed lot split for compliance with the criteria listed in this subsection and Article 10, Subdivisions. Once approved the applicant may proceed with the lot split and record the lot split with the Lee County Property Appraiser. Approval shall expire within one (1) year of issuance if not recorded.



STATE OF FLORIDA  
**LEE COUNTY PROPERTY APPRAISER**  
KENNETH M. WILKINSON, C.F.A.



**Mailing Address:**  
P.O. Box 1546  
Fort Myers, Florida 33902-1546

**Physical Address:**  
2480 Thompson Street  
Fort Myers, Florida 33901-3074

**Telephone:** (239) 533-6100 -- (866) 673-2868 (From anywhere in continental US/Canada/Florida except 239 area code)  
**Facsimile:** (239) 533-6160 -- **Website:** [www.leepa.org](http://www.leepa.org)

### Application for Combination or Split of Existing Parcels

Please submit this completed form to [GISTeam@leepa.org](mailto:GISTeam@leepa.org) or fax to 239-533-6107.

This form serves as the owner's request to administratively combine or split parcels for tax billing and assessment purposes. The Property Appraiser's office will only combine or split parcels under the following conditions:

- Parcels must be contiguous.
- Taxes on all parcels must be paid.
- Parcel ownership/title must be the same.
- No open VAB petitions on the parcel(s).

To split a parcel, we may request one or more of the following items:

- Approval from the jurisdiction.
- Deed, Subdivision Plat, Declaration of Condominium etc. recorded with Lee Clerk of Court.
- Information that the parcel(s) was previously platted and/or previously recorded documents that correspond to the requested configuration.

The Property Appraiser's office reserves the right to deny any application, or to request additional information such as photo identification, site survey (to locate or identify buildings etc.), permit application, land development order, ordinance, or evidence of ownership.

This request does not imply suitability or authorize development of the parcel. Contact the development department of the local jurisdiction for questions concerning the development of the parcel and legality of this request. This action does not nullify or alleviate any existing liens or encumbrances on the property.

***By submitting this application, you agree that the Lee County Property Appraiser is neither responsible nor liable for any problems or complications resulting from this request.*** \_\_\_\_\_ (Initial)

<input type="checkbox"/> <b>COMBINE</b> Folio IDs or STRAP Numbers (Attach another application if more than 4)	← Check One →	<input type="checkbox"/> <b>SPLIT</b> Folio ID or STRAP Number
	}	List Lot Numbers or Attach Sketch/Survey

Owner Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Print Name: \_\_\_\_\_ Phone: \_\_\_\_\_

Email Address: \_\_\_\_\_

(Please print to receive automated email confirmation that your request was processed).



Lee County Property Appraiser

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## Parcel Split and Combination Process General Information

Parcel splits or combinations made at the request of the property owner or owner's representative are processed by the Lee County Property Appraiser (LCPA) for tax billing and assessment purposes only. It is important to note that a parcel split or combination processed by the Property Appraiser is solely for the owner's taxpaying convenience and does **not**:

- Affect ownership, recorded title, or legal description.
- Imply the legality of the requested land reconfiguration.
- Imply the legality for parcels to be conveyed via land title.
- Authorize or imply suitability for development of the affected parcels.
- Nullify or alleviate any existing liens or encumbrances on the property.
- Alter zoning or parcel conformity requirements.
- Create any entitlements as to current or future property use.

The LCPA does not issue determinations regarding the permissibility of parcel splits or combinations in any jurisdiction and will not advise owners on such matters. Property owners are **strongly encouraged** to obtain approval from the appropriate zoning, planning, or community development agency. Some jurisdictions may require prior approval.

Note: LCPA reserves the right to mandate documented jurisdictional approval or to deny an application.

### Jurisdiction Approval and Contact Information

-  [Commercial Department](#)
-  [Mobile Home](#)
-  [Data and Map Sales](#)
-  [Codes Breakdown](#)

- **City of Cape Coral:** The city Planning Division has an application process. Complete the Application For A Lot Split and Lot Combination and submit it to the Planning Division. No applications or office visits are needed with LCPA. Once approved by the Planning Division, the city will contact LCPA.
  - [Lot Split and Lot Combination Application](#)
- **City of Fort Myers:** To split or combine parcels within the city limits of Fort Myers, please see [Planning](#) or contact [Nicole DeV Vaughn](#), Planning Manager 239-321-7926 for a letter of no objection.
- **Unincorporated Lee County:**
  - To split parcels along a platted lot line, or combine lots in a platted area, please complete and submit the [Lee County Property Appraiser Application for Combination or Split of Existing Parcel](#).
  - Property owners desiring to split or combine parcels outside a platted area should contact [Gary Rashford \(239-533-8374\)](#) for review and comments based on development plans.
- **City of Bonita Springs:**
  - To split parcels along a platted lot line, please complete and submit the [Lee County Property Appraiser Application for Combination or Split of Existing Parcel](#).
  - Property owners desiring to combine parcels or split parcels outside a platted area will need to schedule a [Pre-Application Meeting](#) with City Staff. You will also need to complete and submit a [City of Bonita Springs Application](#).
- **Village of Estero:** To split or combine parcels within the Village of Estero, please contact [Walter McCarthy \(239-221-5036\)](#) for jurisdiction approval.
- **Town of Fort Myers Beach:**
  - To split parcels along a platted lot line, or combine lots in a platted area, please complete and submit the [Lee County Property Appraiser Application for Combination or Split of Existing Parcel](#).
  - Property owners desiring to split or combine parcels outside a platted area should contact [Jason Green \(239-765-0202\)](#) for jurisdiction approval.
- **City of Sanibel:**
  - To split parcels along a platted lot line, or combine lots in a platted area, please complete and submit the [Lee County Property Appraiser Application for Combination or Split of Existing Parcel](#).
  - Property owners desiring to split or combine parcels outside a platted area should contact [Roy Gibson \(239-472-4136\)](#) for jurisdiction approval.

### Important Things to Consider

- Applications completed by the LCPA that modify parcel boundaries **are not searchable** on Lee Clerk of Courts website and could make determining the chain of title to real property difficult in the future.
- A parcel split or combination can be accomplished by recording a deed with a new legal description for each parcel or parcel portion. The advantage to recording a deed versus an application request is the deed would be available to attorneys, title companies, Realtors, and court personnel who conduct a title search on Lee Clerk of Courts website.
- Once parcels are combined, they cannot be split if property taxes become delinquent per Florida Statute [197.192](#).
- Splitting your parcel **may increase your property assessment**, possibly resulting in higher taxes. See [Frequently Asked Questions](#).

### Reconfiguration Requirements



- **All taxes must be paid.** The LCPA's office cannot by law split or join parcels until all due or delinquent taxes have been paid to the Tax Collector, pursuant to Florida Statute [197.192](#).
- **No open Value Adjustment Board (VAB) Petition.** The LCPA's office will not split or join parcels until the Special Magistrate has published a decision or the petition has been withdrawn.
- **Legal Description / New boundary must be submitted.** To split or combine parcels that have not been previously described in a recorded deed, lie outside a platted subdivision, or to reconfigure a platted lot, a survey, sketch, or legal description clearly defining the new property boundary **must** be recorded with the Lee County Clerk of Court. Approval must also be obtained from the appropriate jurisdiction (see links to contact information above). LCPA will not create or draft legal descriptions.
- **Parcels must be titled the same.** For parcel combinations, all parcels have the same ownership title (e.g. tenants in common, right of survivorship, married – tenants by entirety, trust, individual) and in the same name(s). If one parcel is currently receiving homestead exemption, the parcel(s) combined with the homestead will be added at market value over the Save Our Homes cap. Commercial property may not be combined with homestead property.
- **Parcel boundaries** must be contiguous and fall within the same jurisdiction.
- **No outstanding defective deeds.** Parcel reconfigurations will not be allowed if the last recorded transaction associated with the parcel(s) is categorized as an error. See Deed Errors and Omissions [www.leepa.org/Deed/Deeds.aspx](http://www.leepa.org/Deed/Deeds.aspx)

### **Property Appraiser to be Held Harmless**

It is the responsibility of the owner to ensure that any and all prior or currently due tax amounts on any parcels being split or aggregated with any other parcels are paid in full to the Tax Collector. This agency is not responsible for any delinquent taxes, penalties, or interest that could occur and accrue due to negligence on the part of the property owner, the owner's representatives, or other parties when requesting parcel splits or combinations. Furthermore, if the property is encumbered by a mortgage, it is the owner's responsibility to seek prior approval from the mortgage company for any changes to the property involving a split or combination. All information provided on the Application for Combination or Split of Existing Parcels becomes public information including name, address, email address, phone number unless otherwise prohibited by state statute.

### **Property Appraiser Application**

#### **[Lee County Property Appraiser Application for Combination or Split of Existing Parcel](#)**

Please be sure to read all the instructions as they may contain additional requirements that must be met before your request can be processed. Submit completed applications by:

- Mail – Lee County Property Appraiser, P.O. Box 1546, Fort Myers, FL 33902-1546
- Email – [GISTeam@leepa.org](mailto:GISTeam@leepa.org)
- Fax – (239) 533-6107
- In person – Melvin Morgan Constitutional Complex, 2480 Thompson St., 4th Floor, Fort Myers, FL 33901

### **Frequently Asked Questions**

#### **How long does it take to process my application?**

# OKEECHOBEE COUNTY

*World's Best Fresh Water Fishing*

MICKEY L. BANDI  
OFFICE OF PROPERTY APPRAISER

307 N.W. 5<sup>TH</sup> AVE, STE A  
OKEECHOBEE, FLORIDA 34972  
Telephone (863) 763-4422  
Fax (863) 763-4745  
[www.okeechobeeopa.com](http://www.okeechobeeopa.com)

## Application for Combination of Existing Parcels

**Instructions:** Please read the requirements, complete the form, sign, date and return to our office. If you need assistance or have questions, please call (863) 763-4422.

**General Requirements:** This form is a request to combine parcels per the owner's request. Our office will only combine parcels that meet the following:

- Title to and ownership of the parcels is identical.
- The parcels are contiguous. Lots of a plat separated by a public easement or thoroughfare may or may not be considered contiguous (subject to approval). Metes and bounds parcels in different Sections may or may not qualify (subject to approval).
- Proof that all taxes on the parcels have been paid.
- **ALL REQUESTS MUST HAVE OWNER'S SIGNATURE.**

We reserve the right to request additional information as necessary to complete the request. Additional information may include items such as a copy of a survey or a letter from the governing jurisdiction regarding the request etc.

**PRIOR TO SUBMITTING THIS REQUEST, WE ENCOURAGE YOU TO CONSULT WITH THE COUNTY BUILDING OFFICIALS AT (863)763-5548 OR THE CITY BUILDING OFFICIALS AT (863)763-3372 TO DISCUSS ANY FUTURE IMPLICATIONS THIS REQUEST MAY HAVE.**

**Additional Notes and Information:** For a condominium request, the owner must obtain a letter from the condominium association acknowledging the request and the property's physical status as one living unit. Please be advised that this request does not imply suitability or authorize development of the parcel. Please contact the appropriate land development or planning and zoning department for your jurisdiction for questions concerning development of the parcel. No rights are being granted by this action that are reserved to any regulatory agency. This action does not nullify or alleviate any existing liens or encumbrances on the property. You agree by submitting this application that the Okeechobee County Property Appraiser is neither responsible nor liable for any problems or complications resulting from this request.

**Print or type parcel numbers into the boxes below to be combined into one new parcel:**


**Owner Name:** \_\_\_\_\_

**Date:** \_\_\_\_\_ **Phone #:** \_\_\_\_\_

**Owner Signature:** \_\_\_\_\_

**For Office Use Only:**

**New Parcel Number:** \_\_\_\_\_

**Paid Tax Bill:** Yes    No

# OKEECHOBEE COUNTY

*World's Best Fresh Water Fishing*

MICKEY L. BANDI  
OFFICE OF PROPERTY APPRAISER

307 N.W. 5<sup>TH</sup> AVE, STE A  
OKEECHOBEE, FLORIDA 34972  
Telephone (863) 763-4422  
Fax (863) 763-4745  
[www.okeechobeeopa.com](http://www.okeechobeeopa.com)

## Application for Split/Division of Existing Parcel

**Instructions:** Please read the requirements, complete the form, sign, date and return to our office. If you need assistance or have questions, please call (863) 763-4422.

**General Requirements:** This form is a request to divide a parcel per the owner's request. Our office will only divide a parcel meeting one or more of the following:

- A deed is recorded with the Okeechobee County Clerk of Court.
- The lots were previously platted and/or have previously recorded documents.
- If metes and bounds, a survey or description **must** be submitted.
- Proof that all taxes on the parcels have been paid.
- **ALL REQUESTS MUST HAVE OWNER'S SIGNATURE.**

We reserve the right to request additional information as necessary to complete the request. Additional information may include items such as a copy of a survey or a letter from the governing jurisdiction regarding the request etc.

**PRIOR TO SUBMITTING THIS REQUEST, WE ENCOURAGE YOU TO CONSULT WITH THE COUNTY BUILDING OFFICIALS AT (863)763-5548 OR THE CITY BUILDING OFFICIALS AT (863)763-3372 TO DISCUSS ANY FUTURE IMPLICATIONS THIS REQUEST MAY HAVE.**

**Additional Notes and Information:** Please be advised that this request does not imply suitability or authorize development of the parcel. This office does not determine the legality of the request. Please contact the appropriate land development or planning and zoning department for your jurisdiction for questions concerning development of the parcel and the legality of this request. No rights are being granted by this action that are reserved to any regulatory agency. This action does not nullify or alleviate any existing liens or encumbrances on the property. You agree by submitting this application that the Okeechobee County Property Appraiser is neither responsible nor liable for any problems or complications resulting from this request.

**Print or type parcel numbers into the box below to be divided into two or more new parcels:**

--

**Desired Configuration (e.g. Lots 1 & 2, Lots 3 & 4):**

--

**Owner Name:** \_\_\_\_\_

**Date:** \_\_\_\_\_ **Phone #:** \_\_\_\_\_

**Owner Signature:** \_\_\_\_\_

**\*\*\*PLEASE NOTE: Exemptions may be affected by this request\*\*\***

**For Office Use Only:**

<b>New Parcel Numbers:</b>	

**Paid Tax Bill:** Yes    No