

ORDINANCE NO. 1223

AN ORDINANCE OF THE CITY OF OKEECHOBEE, FLORIDA; AMENDING CHAPTER 90 OF THE LAND DEVELOPMENT REGULATIONS (LDR) OF THE CITY OF OKEECHOBEE; AMENDING SECTION 90-483, REVISING THE PROVISIONS FOR PARKING REDUCTION REQUESTS; AMENDING SECTION 90-484, REVISING THE PROVISIONS FOR REQUESTING APPROVAL FOR UNPAVED PARKING; DELETING SECTION 90-485, MOVING LIMITATIONS FOR PARKING REDUCTION APPROVALS TO SECTION 90-483; AMENDING APPENDIX A OF THE LDR ADDING FORM 21, PARKING REDUCTION PETITION; AMENDING APPENDIX C OF THE LDR ADDING AN APPLICATION FEE FOR PARKING REDUCTION PETITIONS; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City Council of the City of Okeechobee, Florida, has adopted Ordinance Number 716, as amended, known as the LDR; and

WHEREAS, the City of Okeechobee, Florida, has a legitimate interest in periodic review of its ordinances and LDR to address certain inconsistencies or outdated regulations contained in the Codes; to make amendments to meet changing community standards, or to accommodate new development; and to create new ordinance or regulation to better serve the public and to make the Code a more consistent and easier to understand document; and

WHEREAS, the Planning Board for the City of Okeechobee, Florida, acting as the Local Planning Agency, reviewed and discussed the proposed amendments, also known as LDR Text Amendment Application No. 21-001-TA, at a duly advertised Public Hearing held on March 18, 2021. Based on findings of fact by the Planning Staff, it hereby recommends certain changes, amendments or modifications to the Code of Ordinances to present to the City Council for ordinance adoption and codification; and

WHEREAS, the City Council for the City of Okeechobee, Florida, considered the recommendations by the Planning Board and concludes that enacting such amendments to be in the best interest of its citizens of said City, that said amendments are necessary and appropriate to make the LDR more consistent and responsive to the needs of the City and its citizens.

NOW, THEREFORE, be it ordained before the City Council of the City of Okeechobee, Florida; presented at a duly advertised public meeting; and passed by majority vote of the City Council; and properly executed by the Mayor or designee, as Chief Presiding Officer for the City; that:

SECTION 1: Recitals Adopted. Each of the above stated recitals is true and correct and incorporated herein by this reference:

SECTION 2: Amendment and Adoption to Chapter 90.

That the City Council for the City of Okeechobee, Florida, amends herein Part II of the Code of Ordinances, Subpart B-Land Development Regulations, providing for amendments to Chapter 90 – Zoning, Article IV – Supplementary District Regulations, Division 2, Parking and Loading Requirements:

Sec. 90-483. - Modification of parking and loading space requirements. Modification of parking and loading space requirements shall be as follows:

- ~~(1) The number of spaces may be increased, decreased, or deferred by the city council when:
 - a. A parking study demonstrates that the proposed use would have a demand in excess or, or less than, the requirements of these Regulations.
 - b. A parking study demonstrates that the hours of need for maximum parking for two or more joint uses do not normally overlap.
 - c. A building is in an historic district or is of historic interest.
 - d. A building is in a Commercial, Central Business District, or Public Use Zoning Categories.~~
- ~~(2) The city council may require the applicant to provide a parking study when the technical review committee presents data indicating that an increase or decrease in the number of parking spaces may be warranted.~~
- ~~(3) An applicant may submit a parking study to demonstrate that either the parking or loading space regulations are excessive for the use proposed, or there is not a current need for all spaces.~~

- (4) ~~A parking study requesting deferral of parking spaces shall contain:

 - a. ~~A site plan locating the total required parking spaces and designating the deferred spaces, and a landscaping plan of the deferred parking area.~~
 - b. ~~A written agreement with the city that the developer will pay for a study to determine the need to provide the full parking requirement and that the deferred spaces will be converted to parking spaces at the developer's expense should the city determine that additional spaces are needed.~~~~
- (5) ~~The number of parking spaces shall not be reduced below these requirements where there is insufficient parking.~~

Parking reduction requests to provide less parking and/or loading spaces than is required by Sections 90-512 and 90-513 may be submitted, reviewed, and approved by the technical review committee as follows:

- (1) Applicants that submit site plans for review by the technical review committee may request approval of parking reduction concurrently with site plan approval. No additional application or application fees are required if the request is submitted for consideration in conjunction with the site plan submittal package.
- (2) For owners of existing developments where a proposed change of use would require more parking than is currently present on site, a parking reduction request application may be submitted for consideration by the technical review committee. Please see parking reduction application in Appendix A and the associated fee in Appendix C.
- (3) Applicants that submit PUD-M and PUD-R petitions may request approval of parking reduction concurrently with PUD approval. No additional application or application fees are required if the request is submitted for consideration in conjunction with the PUD petition package.
- (4) Applicants shall demonstrate that the parking reduction request is appropriate, justified and in the public interest through one or several of the following. At the discretion of the Administrator, a parking study may be specifically required.
 - a. Submittal of a parking study demonstrating that the proposed use or combination of uses will have a peak parking demand less than the requirements of Sections 90-512 and/or 90-513.
 - b. The location, design and proposed uses of the site provide for and encourage exceptional pedestrian and bicycle access.
 - c. The site will contain multiple uses with opportunities for internal capture and shared use of parking facilities, and the hours of peak demand for two or more of the proposed uses do not normally overlap.
 - d. Public street parking is located adjacent to the site.
 - e. Drive through service is available and adequate space for stacking of vehicles is provided. Designated stacking lanes shall be designed to minimize congestion associated with internal circulation as well as site ingress and egress.
 - f. The subject property and/or building is in an historic district or is of historic interest.
- (5) In the CBD zoning district, the number of parking spaces shall not be reduced by more than 80 percent.
- (6) In the RSF-1, RSF-2, RMH, RMF, CPO, CLT and CHV zoning districts the number of parking spaces shall not be reduced by more than 20 percent.
- (7) In PUB and IND zoning districts, the number of parking spaces shall not be reduced by more than 50 percent.
- (8) No parking reductions shall be approved for single family residences, mobile homes, or duplexes.

Sec. 90-484. - Reduction of paved parking space requirements.

- (a1) The number of paved spaces may be reduced by the city council when a parking study demonstrates through the parking reduction request process as provided in Section 90-483, upon demonstration by the applicant that the proposed use normally would have a demand for the total required parking spaces only on one or two days a week.
- (b2) Paved parking spaces shall not be reduced by more than 75 percent.

~~Sec. 90-485. - Reduction of parking space requirements in commercial districts.~~

- (a) ~~In commercial, central business, and public use zoning districts, city council may reduce the number of parking spaces if the technical review committee finds that there is a surplus of on-street parking in the immediate vicinity of the proposed use that is not required by other uses, or that the applicant has~~

~~provided sufficient off-street parking by alternative means, such as but not limited to a parking garage, or adequate parking lots adjacent to the proposed use.~~

- ~~(b) City council may require the applicant to provide a parking study, or evidence of ownership or lease of alternative off-street parking, and may attach conditions to an approved or alternative parking space reduction.~~
- ~~(c) In the CBD the number of parking spaces shall not be reduced by more than 80 percent from that otherwise required in these regulations.~~
- ~~(d) In commercial zoning districts the number of parking spaces shall not be reduced by more than 20 percent from that otherwise required in these regulations.~~
- ~~(e) In public use zoning districts, the number of parking spaces shall not be reduced by more than 50 percent from that otherwise required in these regulations.~~

Secs. ~~90-48690-485~~—90-510. - Reserved.

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

That the City Council for the City of Okeechobee, Florida, amends herein Part II of the Code of Ordinances, Subpart B-Land Development Regulations, providing for amendments to Appendix A – Applications, Forms, and Content Requirements, adding Form 21 - Parking Reduction Petition as follows:

APPENDIX A - APPLICATION FORMS AND CONTENT REQUIREMENTS

Form 21. – Parking Reduction Petition.

1. Petition contents. Parking reduction petitions shall be submitted on the appropriate application form and comprises the following:
 - a. Petitioner's name, address, phone number.
 - b. Proof of interest in property.
 - c. Property survey and location map.
 - d. Description of all proposed uses.
 - e. Supplementary supporting information.
 - f. Application fee.
2. Processing. Parking reduction petitions are processed as follows:
 - a. Applicant submits petition to general services department.
 - b. Administrator reviews petition, initiates processing, issues notice of Technical Review Committee hearing.
 - c. Technical Review Committee reviews petition and either approves, denies, or approves with conditions.

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

That the City Council for the City of Okeechobee, Florida, amends herein Part II of the Code of Ordinances, Subpart B-Land Development Regulations, providing for amendments to Appendix C – Schedule of Land Development Regulation Fees and Charges, adding Fee Schedule Item 20 - Parking Reduction Petition, as follows:

APPENDIX C - APPLICATION FORMS AND CONTENT REQUIREMENTS

Fee Schedule:

20. Parking Reduction Petition \$250.00

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

SECTION 6: Severability. If any provision or portion of this ordinance is declared by any court of competent jurisdiction to be void, unconstitutional, or unenforceable, then all remaining provisions and portions of this ordinance shall remain in full force and effect.

SECTION 7: Inclusion in the Code. It is the intention of the City Council, and it is hereby ordained that the provisions of this Ordinance shall become and be made a part of the Code of the City of Okeechobee.

SECTION 8: Effective Date. This Ordinance shall take effect immediately upon its passage.

INTRODUCED for First Reading and set for Final Public Hearing on this 20th day of April, 2021.

Dowling R. Watford, Jr., Mayor

ATTEST:

Lane Gamiotea, CMC, City Clerk

PASSED AND ADOPTED after Second and Final Public Hearing this 18th day of May, 2021.

Dowling R. Watford, Jr., Mayor

ATTEST:

Lane Gamiotea, CMC, City Clerk

REVIEWED FOR LEGAL SUFFICIENCY:

John J. Fumero, City Attorney