

## **ORDINANCE NO. 1224**

**AN ORDINANCE OF THE CITY OF OKEECHOBEE, FLORIDA; ADOPTING THE HOLDING REZONING PROGRAM, PROVIDING INCENTIVES FOR OWNERS OF PROPERTIES ZONED HOLDING TO REZONE TO OTHER ZONING DISTRICTS SUPPORTED BY THE LAND DEVELOPMENT REGULATIONS (LDR), REDUCING THE APPLICATION FEES AND APPLICATION SUBMITTAL REQUIREMENTS; AMENDING APPENDIX A OF THE LDR ADDING FORM 22, HOLDING ZONING DISTRICT BOUNDARY CHANGE PETITION; AMENDING APPENDIX C OF THE LDR ADDING AN APPLICATION FEE FOR REZONING PROPERTY ZONED HOLDING; 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 LDR generally contain codes specific to each zoning district, which provide lists of permitted uses, lists of specially permitted uses and regulations for development within that specific zoning district; and

**WHEREAS**, multiple parcels within the City are zoned Holding, though the LDR do not currently contain any codes specific to regulating the Holding zoning district; and

**WHEREAS**, the City Council has a legitimate interest in ensuring that the potential development of every parcel in the City is regulated by clear and concise LDR; and

**WHEREAS**, the Future Land Use Element of the City of Okeechobee Comprehensive Plan generally contains descriptions of future land use designations in which lists of zoning districts that are appropriate within those designations are provided; and

**WHEREAS**, the Holding zoning district is not listed as an appropriate zoning district within any of the future land use designations; and

**WHEREAS**, the City Council seeks to encourage owners of properties in the Holding zoning district to rezone to other zoning districts which are supported by the LDR, the Future Land Use Element; and the Future Land Use Map; and

**WHEREAS**, the Planning Board of the City of Okeechobee, Florida, recommends that the Council adopt reduced application submittal requirements and reduced application fees for rezoning of properties which are either partially or entirely zoned holding; and

**WHEREAS**, the Planning Board of the City of Okeechobee, Florida, has reviewed the existing conditions of parcels in the Holding zoning district; including the future land use designation, the existing land use, the prevailing pattern of land uses in the surrounding area, the zoning designation of the surrounding parcels, and the future land use designation of the surrounding parcels; and has provided recommendations for the rezoning of those parcels; and

**WHEREAS**, the Planning Board for the City of Okeechobee, Florida, acting as the Local Planning Agency, reviewed and discussed the proposed amendments, also known as Land Development Regulation Text Amendment Application No. 21-002-TA, at a duly advertised Public Hearing held on March 18, 2021, and based on findings of fact by the Planning Staff, hereby recommends certain changes, amendments or modifications to the Code of Ordinances, to present to the City Council for ordinance adoption and codification; and

**WHEREAS**, the City Council for the City of Okeechobee, Florida, considered the recommendations by the Planning Board and concludes that adopting such a program and amendment to be in the best interest of its citizens of said City, that such a program and amendments are necessary and appropriate to make the Zoning Map, the LDR and the Comprehensive Plan 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: Holding Property Rezoning Program Adopted.** The City of Okeechobee hereby adopts the Holding Property Rezoning Program as follows:

**Eligibility:** Owners (or their authorized designee) of properties which are either partially or entirely zoned Holding are eligible to apply for rezoning according to the provisions of this program.

This program does not exempt owners from consistency with the Future Land Use Map. Where the requested zoning change would also require a Future Land Use Map amendment, the standard application requirements, procedures and fees for Future Land Use Map amendments will apply. Future Land Use Map amendments must be approved prior to approval of the associated rezoning request.

**Rezoning Application Requirements:** Form 22 is added to Appendix A of the City's Land Development Regulations which adopts application requirements that are reduced substantially from the standard rezoning application requirements.

**Rezoning Application Fee:** For eligible owners, the standard rezoning application fees according to Fee Schedule of Appendix C of the City's Land Development Regulations have been reduced substantially. Application Fees for rezoning Holding properties are \$600 plus \$20 per acre.

**Rezoning Recommendations:** In the interest of consistency between the Future Land Use Map and the Zoning Map and in the interest of compatibility with the existing pattern of surrounding land uses, the City officially recommends zoning changes for properties in the City which are either partially or entirely zoned Holding. See attached Exhibit B- Holding Property Rezoning Recommendations.

**Future Land Use Map Amendment Recommendations:** In some instances where the recommended zoning changes would also require a Future Land Use Map amendment, the City has also provided official Future Land Use Map amendment recommendations, which are also included in Exhibit B- Holding Property Rezoning Recommendations.

**Owner Notification and Legal Notification:** Notification of the benefits, requirements and procedures of this program will be mailed to all eligible property owners in the form of Exhibit C- Draft Property Owner Notification Letters.

Legal notification and advertisement of zoning requests will be performed by the City and in conformance with the requirements for zoning district boundary changes as provided in Florida Statute.

**SECTION 3: Amendment and adoption to Section 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 22 - Holding Zoning District Boundary Change Petition as follows:

APPENDIX A - APPLICATION FORMS AND CONTENT REQUIREMENTS

Form 22. – Holding zoning district boundary change petition.

1. Petition contents. Zoning district boundary change petition 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. Legal description.
  - d. Property owner's list.
  - e. Location map
  - f. Supplementary supporting information.
  - g. Application fee.
2. Processing. Holding zoning district boundary change petitions are processed as follows:
  - a. Applicant submits petition to general services department.
  - b. Administrator reviews petition, initiates processing, issues notice of planning board public hearing.
  - c. Planning board holds public hearing, forwards advisory recommendation to city council.
  - d. Administrator issues notice of city council public hearing.

- e. City council holds first public hearing, renders decision.
- f. If approved, Administrator issues notice of second city council public hearing.
- g. City council holds second public hearing, renders final decision on petition.

**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 21 - Holding Zoning District Boundary Change (Rezoning), as follows:

APPENDIX C - APPLICATION FORMS AND CONTENT REQUIREMENTS

Fee Schedule:

21. Holding zoning district boundary change (rezoning) ..... \$600.00 plus \$20.00 per acre

**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 20<sup>th</sup> day of April, 2021.

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Dowling R. Watford, Jr., Mayor

**ATTEST:**

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Lane Gamiotea, CMC, City Clerk

**PASSED AND ADOPTED** after Second and Final Public Hearing this 18<sup>th</sup> day of May, 2021.

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Dowling R. Watford, Jr., Mayor

**ATTEST:**

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Lane Gamiotea, CMC, City Clerk

**REVIEWED FOR LEGAL SUFFICIENCY:**

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John J. Fumero, City Attorney