

## ORDINANCE NO. 1218

**AN ORDINANCE OF THE CITY OF OKEECHOBEE, FLORIDA; AMENDING CHAPTER 90 OF THE LAND DEVELOPMENT REGULATIONS OF THE CITY OF OKEECHOBEE; AMENDING SECTION 90-162, REVISING PERMITTED USES IN THE RESIDENTIAL MOBILE HOME ZONING DISTRICT; AMENDING SECTION 90-165, REVISING MINIMUM LOT AND STRUCTURE REQUIREMENTS; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, the City Council of the City of Okeechobee, Florida, has adopted Ordinance Number 716, as amended, known as the Land Development Regulations; and

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in periodic review of its Ordinances and Land Development Regulations in order to address certain inconsistencies or outdated regulations contained in the Codes; to make amendments to meet changing community standards, or to accommodate new development; and to create new ordinance or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

**WHEREAS**, the Planning Board for the City of Okeechobee, Florida, acting as the Local Planning Agency, reviewed and discussed the proposed amendments, also known as Land Development Regulation Text Amendment Application No. 20-001-TA, at a duly advertised Public Hearing held on September 17, 2020, and based on findings of fact by the Planning Staff, hereby recommends certain changes, amendments or modifications to the Code of Ordinances, to present to the City Council for ordinance adoption and codification; and

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

**NOW, THEREFORE**, be it ordained 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 Section 90-162.**

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 III-Districts and District Regulations, Division 4-Residential Mobile Home (RMH) District, Section 90-162 Permitted Uses as follows:

The following principal uses and structures in the RMH district are permitted:

- (1) Mobile home subdivision, with one mobile home per lot.
- (2) Mobile home park, with one mobile home per ~~lot~~site (each site meeting the lot and site area requirements of Section 90-165(2)(a).
- (3) Hurricane shelter.
- (4) Public and private schools.
- (5) House of worship, on a lot of at least five acres.
- (6) Open space.
- (7) Public facility or use.
- (8) ~~Site-built or modular single-family homes on lots in mobile home parks existing as of August 1, 2007.~~
- (9) Mobile homes and single-family homes on undersized lots that have existed since August 1, 2007.

**SECTION 3: Amendment and Adoption to Section 90-165.**

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 III-Districts and District Regulations, Division 4-Residential Mobile Home (RMH) District, Section 90-165 Lot and structure requirements as follows:

Except where further restricted by these regulations for a particular use, the minimum lot and structure requirements in the RMH district shall be as follows:

(1)	Minimum area.			
	a.	Mobile home park:	Area	10 acres
	b.	Mobile home subdivision:	Area	10 acres
	c.	Recreation vehicle park:	Area	10 acres
(2)	Minimum lot <u>and site</u> area.			
	a.	<del>Mobile home and single-family home:</del>	Area	<del>5,000</del> <u>7,620</u> square feet
			Width	50 feet
	<u>b.</u>	<u>Single Family Home:</u>	<u>Area</u>	<u>10,000 square feet</u>
			<u>Width</u>	<u>50 feet</u>
	<del>b.c.</del>	Other permitted principal uses:	Area	10,000 square feet
			Width	100 feet
(3)	Minimum yard requirements. Except where a greater distance is required by these regulations for a particular use, the minimum yard setbacks in the RMH district shall be as follows:			
	<del>a.</del>	<del>District yard minimum:</del>	<del>20 feet on all property boundaries</del>	
	<del>b.a.</del>	Mobile home and single-family home:	Front Side Rear	20 feet 10 feet 10 feet
	<del>b.b.</del>	Other permitted principal uses:	Front Side Rear	25 feet 20 feet 20 feet
(4)	Maximum lot coverage by all buildings.			
			Maximum Coverage	Maximum Impervious Surface
	a.	Mobile home, recreation vehicle and single-family home:	50 percent	50 percent
	b.	Other permitted principal uses:	30 percent	50 percent
(5)	Maximum height of structures.			
	Except where further restricted by these regulations for a particular use, the maximum height shall be as follows: All uses shall be 30 feet.			

**SECTION 4: Conflict.** All ordinances or parts of ordinances in conflict herewith are hereby repealed.

**SECTION 5: Severability.** If any provision or portion of this Ordinance is declared by any court of competent jurisdiction to be void, unconstitutional, or unenforceable, then all remaining provisions and portions of this ordinance shall remain in full force and effect.

**SECTION 6: 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 7: 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 October, 2020.

ATTEST: 

Dowling R. Watford, Jr., Mayor

Lane Gamiotea, CMC, City Clerk

**PASSED AND ADOPTED** after Second and Final Public Hearing this 17<sup>th</sup> day of November, 2020.

ATTEST: 

Dowling R. Watford, Jr., Mayor

Lane Gamiotea, CMC, City Clerk

**REVIEWED FOR LEGAL SUFFICIENCY:**

John Fumero, City Attorney

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: 8-24-20

Petition No. 20-001-TA

Fee Paid: N/A

Jurisdiction: PB/CC

1<sup>st</sup> Hearing: 9-17-20

2<sup>nd</sup> Hearing: 10-20-20 / 11-17-20

Publication Dates:

Notices Mailed: N/A

## APPLICATION FOR TEXT AMENDMENT TO THE LAND DEVELOPMENT REGULATIONS

### APPLICANT INFORMATION

- 1 Name of Applicant: City of Okeechobee
- 2 Mailing address: 55 SE 3<sup>rd</sup> Avenue Okeechobee Florida
- 3 E-mail address: pburnette@cityofokeechobee.com
- 4 Daytime phone(s): 863-763-9820

5 Do you own residential property within the City? ☐ Yes ☐ No  
If yes, provide address(es)

6 Do you own nonresidential property within the City? ☐ Yes ☐ No  
If yes, provide address(es)

### REQUEST INFORMATION

- 7 Request is for: ☒ Text change to an existing section of the LDRs  
☐ Addition of a permitted use ☐ Deletion of a permitted use  
☐ Addition of a special exception use ☐ Deletion of a special exception use  
☐ Addition of an accessory use ☐ Deletion of an accessory use

8 Provide a detailed description of text changes to existing section(s) showing deletions in strikeout and additions in underline format. (This description may be provided on separate sheets if necessary.)

See draft Ordinance



# **Staff Report**

## **Land Development Code Text Amendment**

*Applicant:*                      *The City of Okeechobee*

*Petition No.:*                *20-001-TA*

## Reason for Amendment

The RMH district standards are provided in Division 4 of Article III of Chapter 90 of the City's land development code. Staff became aware of several issues regarding the current Residential Mobile Home (RMH) district standards and the maximum density allowed in the Single Family Residential future land use category:

1. **Permitted Uses:** The list of permitted uses includes types of development that do not seem correct in the context of the definitions provided for those uses.
2. **Required Setbacks:** One of the required setbacks seems contrary to the other required setbacks.
3. **Density:** The minimum allowed lot size could create a density that would exceed the maximum allowed density of the single family residential future land use category.

## Land Development Code Sections Involved

**Section 90-162** provides the list of permitted uses in the RMH district as follows:

- (1) Mobile home subdivision, with one mobile home per lot.
- (2) Mobile home park, with one mobile home per lot.
- (3) Hurricane shelter.
- (4) Public and private schools.
- (5) House of worship, on a lot of at least five acres.
- (6) Open space.
- (7) Public facility or use.
- (8) Site-built or modular single-family homes on lots in mobile home parks existing as of August 1, 2007.

**Section 90-165** provides lot and structure requirements as follows:

Except where further restricted by these regulations for a particular use, the minimum lot and structure requirements in the RMH district shall be as follows:

(1)	Minimum area.			
	a.	Mobile home park:	Area	10 acres
	b.	Mobile home subdivision:	Area	10 acres
	c.	Recreation vehicle park:	Area	10 acres
(2)	Minimum lot area.			
	a.	Mobile home and single-family home:	Area	5,000 square feet
			Width	50 feet
	b.	Other permitted principal uses:	Area	10,000 square feet
			Width	100 feet

(3)	Minimum yard requirements. Except where a greater distance is required by these regulations for a particular use, the minimum yard setbacks in the RMH district shall be as follows:		
a.	District yard minimum:	20 feet on all property boundaries	
b.	Mobile home and single-family home:	Front Side Rear	20 feet 10 feet 10 feet
c.	Other permitted principal uses:	Front Side Rear	25 feet 20 feet 20 feet
(4)	Maximum lot coverage by all buildings.		
		Maximum Coverage	Maximum Impervious Surface
a.	Mobile home, recreation vehicle and single-family home:	50 percent	50 percent
b.	Other permitted principal uses:	30 percent	50 percent
(5)	Maximum height of structures.		
	Except where further restricted by these regulations for a particular use, the maximum height shall be as follows: All uses shall be 30 feet.		

**Section 66-1** provides the definition of *mobile home park* and the definition of *mobile home subdivision* as follows:

Mobile home park means **land under single ownership** which is used to supply to the public spaces for the placement and occupancy of two or more mobile homes as dwelling units.

Mobile home subdivision means a **subdivision of land** for the sale of lots for the placement and occupancy of mobile homes as dwelling units.

## **Permitted Uses**

Based on the definitions of mobile home park and mobile home subdivision, there are a few issues with the list of permitted uses in the RMH district. Subsection 90-162(2) lists “mobile home park, with one mobile home per lot” as a permitted use. However, the definition of mobile home park requires that the park must be under single ownership. While this could mean an area with separate lots all owned by the same entity, it is more typically one parcel of land owned by one entity, with multiple mobile home sites for rent/lease by that entity. This use, as listed in section 90-162(2) should be revised to be consistent with the definition of a mobile home park.

According to staff reports and meeting minutes from the adoption of Ordinance 997, subsection 90-162(8) was added in August 2007 with the intent of allowing redevelopment of lots in the RMH district with single family homes in place of mobile homes. Previously, single

family homes were not a permitted use in the RMH district. However, the wording of this section is problematic as it specifies mobile home parks, leaving out mobile home subdivisions, and could have several interpretations.

Based on the definitions of mobile home park and mobile home subdivision, as well as the City's desire to allow redevelopment of RMH lots with single family homes, this subsection should be revised to allow site built of modular single family homes on any lot. A new subsection (9) should also be added to clarify that mobile homes and single family homes should be permitted on existing undersized lots. Except for the permitting of the mobile homes, this is consistent with section 90-32(a) which provides for development of nonconforming residential lots as follows:

A lot in a residential zoning district which is nonconforming because of insufficient area, which has at least 4,000 square feet and 40 feet frontage, and was in separate ownership on the date of enactment of these regulations, may be used to build a single-family dwelling

### **Required Setbacks**

Section 90-165(3)(a) seems to contradict the setbacks allowed in subsection (b) and (c). Subsections (b) and (c) seem to cover all potential structures and subsection (a) requires greater setbacks than the minimum allowed under subsection (b). Since the 10 foot rear and side setbacks allowed under section (b) do seem appropriate, we recommend that subsection (a) be stricken from the code.

### **Density**

The RMH zoning district is only permitted within the single family residential future land use category, the standards for which are provided in Future Land Use Policy 2.1(a) of the City's Comprehensive Plan as follows:

Single-Family Residential. Permitted uses include single-family dwellings, mobile home parks, houses of worship, public and private schools, public facilities, limited agriculture and accessory uses customary to permissible uses. Other uses related to and consistent with low density residential development such as boarding houses, bed and breakfasts, adult family care homes, assisted living facilities, community centers, indoor and outdoor recreation and public utilities may be permissible under certain circumstances.

- (1) Maximum density is four units per acre for residential units on individual lots, and six units per acre for mobile home parks. Where affordable housing is provided in accordance with Housing Policy 1.6, the maximum density for single family development shall be five units per acre.
- (2) Zoning districts considered appropriate within this future land use category include Rural Heritage (RH), Residential Single-Family One (RSF 1), Residential Mobile Home (RMH), and Residential Planned Unit Development (PUD-R).

Section 90-165(2)(a) allows for minimum lot sizes of 5,000 square feet for mobile homes and single family homes. If a mobile home subdivision were to be created with 5,000 square foot lots, the density would be 8.7 dwelling units per acre. This is inconsistent with the City's comprehensive plan, as this density is greater than the maximum density of 6 units per acre that is permitted by future land use policy 2.1(a). If the City would like to ensure compliance with policy 2.1(a), then the minimum area required for each mobile home in the RMH district should be 7,260 square feet.

### Proposed Amendment

The above issues were discussed with the Planning Board at a workshop on August 20, 2020. It was generally agreed upon that:

- The 20 foot minimum yard setback required in Section 90-165(3)(a) should be removed.
- Redevelopment of lots in the RMH district with single family dwellings to replace mobile homes should be permitted and encouraged.
- The maximum densities allowed by the Single Family Residential Future Land Use Category should remain unchanged.
- No new subdivisions or lot splitting should be permitted which is inconsistent with the maximum densities allowed by the comprehensive plan; and that the permitted uses and lot area requirements of the RMH district should be amended to achieve this

Please see the attached proposed ordinance which, if approved, will amend the RMH district standards.

Submitted by:



Benjamin L. Smith, AICP  
Sr. Planner

LaRue Planning  
September 8, 2020

Planning Board Meeting: September 17, 2020  
City Council 1<sup>st</sup> Reading: (tentative) October 20, 2020  
City Council 2<sup>nd</sup> Reading and Public Hearing: (tentative) November 17, 2020



**CITY OF OKEECHOBEE, FLORIDA  
PLANNING BOARD & WORKSHOP MEETING  
SEPTEMBER 17, 2020  
DRAFT SUMMARY OF BOARD ACTION**

**I. CALL TO ORDER**

Chairperson Hoover called the regular Planning Board and Workshop meeting for the City of Okeechobee to order on Thursday, September 17, 2020, at 6:03 P.M. in the City Council Chambers, located at 55 Southeast Third Avenue, Room 200, Okeechobee, Florida. Pursuant to Executive Order No. 20-69 issued by Governor DeSantis on March 20, 2020, and extended by Executive Order No. 20-193 effective August 7, 2020, the meeting was conducted utilizing communications media technology as provided by Florida Statutes 120.54(5)(b)2, by means of Zoom.com Meeting ID 2459713294. The Host computer was operated by Executive Assistant Brock. The video, audio, and other digital comments are recorded and retained as a permanent record.

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

**II. ATTENDANCE**

Planning Board Secretary Patty Burnette called the roll. Chairperson Dawn Hoover, Vice Chairperson Doug McCoy, Board Members Phil Baughman, Karyne Brass and Mac Jonassaint were present. Alternate Board Members Joe Papasso and Jim Shaw were present. Board Members Rick Chartier and Felix Granados were absent with consent.

CITY STAFF: City Planning Consultant Ben Smith, General Services Secretary Yesica Montoya, and Executive Assistant Robin Brock were present. City Attorney John Fumero was absent with consent.

Chairperson Hoover moved Alternate Board Members Papasso and Shaw to voting position.

**III. AGENDA**

A. Chairperson Hoover asked whether there were any agenda items to be added, deferred, or withdrawn. To dispense with the reading and approve the August 20, 2020 Workshop Minutes was added as Item IV.B.

B. A motion was made by Vice Chairperson McCoy to adopt the agenda as presented and amended; seconded by Board Member Jonassaint.

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

**IV. MINUTES**

A. A motion was made by Board Member Brass to dispense with the reading and approve the July 16, 2020 Regular Meeting minutes; seconded by Vice Chairperson McCoy.

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

B. A motion was made by Vice Chairperson McCoy to dispense with the reading and approve the August 20, 2020 Workshop Meeting minutes; seconded by Board Member Jonassaint.

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

**V. CHAIRPERSON HOOVER OPENED THE PUBLIC HEARING AT 6:06 P.M.**

A. City Planning Consultant Ben Smith of LaRue Planning and Management Services who briefly reviewed the Planning Staff Report for Land Development Regulations (LDR) Text Amendment Application No. 20-001-TA, which proposes to amend Section 90-162 revising permitted uses, and Section 90-165 revising the minimum lot and structure requirements within the Residential Mobile Home (RMH) Zoning District.

A previous workshop meeting was held on August 20, 2020, with the final consensus of the Planning Board being to revise the current code as follows: the 20 foot minimum yard setback required in Section 90-165(3)(a) should be removed; redevelopment of lots in the RMH district with single family dwellings to replace mobile homes should be permitted and encouraged; the maximum densities allowed by the Single Family (SF) Residential FLU Category should remain unchanged; and no new subdivisions or lot splitting should be permitted which is inconsistent with the maximum densities allowed by the comprehensive plan; and that the permitted uses and lot area requirements of the RMH district should be amended to achieve this.

1. Chairperson Hoover opened the floor for public comment. Mr. Steven Dobbs commented he currently is working with a client on a possible new mobile home subdivision and wanted to confirm should this ordinance be adopted it would now be required to have 10,000 square feet for a single-family home instead of the current 5,000 square feet. Planner Smith replied yes as this will then bring the zoning district's minimum lot size into consistency with the density listed in the Comprehensive Plan. Board Member Baughman voiced concerns feeling this change would be penalizing someone wishing to build a good structure-built home as they would be held to more area than what would be required for a mobile home. If one had a lot and placed a mobile home on it and then wanted to change it to a single-family home later in the future, they would not be able to. He further inquired about an existing mobile home subdivision, River Run Mobile Home Park and if the property owners with lots there would be able to change out their mobile homes to single family homes in the future. Planner Smith replied yes as the mobile homes were in existence on those undersized lots since 2007. Vice Chairperson McCoy offered information regarding policies the State has in regard to protecting mobile homes in parks. Should one not wish to upgrade to a single-family home and wish to keep their mobile home they are protected, and one cannot force them to make the change.
2. No disclosures of Ex-Parte were offered from Board Members.
3. A motion was offered by Board Member Jonassaint to recommend approval to the City Council for LDR Text Amendment Application No. 20-001-TA, which proposes to amend Section 90-162 revising permitted uses, and Section 90-165 revising the minimum lot and structure requirements within the Residential Mobile Home (RMH) Zoning District as follows:
  - Amend Section 90-162(2) to read mobile home park, with one mobile home per site (each site meeting the lot structure requirements of Section 90-165(2)(a).
  - Amend Section 90-162(8) to read site-built or modular single-family homes and add (9) to read Mobile homes and single-family homes on undersized lots that have existed since August 1, 2007.
  - Amend Section 90-165(2) to read minimum lot/site area.
  - Amend Section 90-165 (2) (a) to read Mobile home with an area of 7,620 square feet.
  - Add Section 90-165 (2) (b) to read Single Family Home with an area of 10,000 square feet and a width of 50 feet.
  - Delete Section 90-165 (3)(a); second by Board Member Brass.
  - a) The Board offered no further discussion.
  - b) **Chairperson Hoover, Vice Chairperson McCoy, Board Members Baughman, Brass, Jonassaint, Papasso and Shaw voted: Aye. Nays: None. Absent: Board Members Chartier and Granados. Motion Carried.** The recommendation will be forwarded to the City Council for consideration at Public Hearings, tentatively scheduled for October 20, 2020 and November 17, 2020, 6:00 P.M.

**B.** City Planning Consultant Smith briefly reviewed the Planning Staff Report for LDR Text Amendment Application No. 20-002-TA, which proposes to amend Section 70-340 broadening the applicability of the findings required for granting petitions; Appendix A; Form 1 to clarify the procedures for Comprehensive Plan Amendment Applications; Form 3 to clarify the procedures for Zoning District Boundary Change Petitions; creating Form 19 to provide standards and procedures for administratively initiated Comprehensive Plan Future Land Use Map (FLUM) Amendments; and creating Form 20 to provide standards and procedures for administratively initiated Zoning District Boundary Change Petitions. Previous workshop meetings were held on July 16, 2020 and August 20, 2020, with the final consensus of the Planning Board being to propose land development code amendments that will allow the City of Okeechobee to initiate zoning map changes and (FLUM) changes with less requirements than are currently required for map changes requested by property owners. As staff confirmed with other local governments, no survey is required for a city initiated rezoning or a city initiated FLUM Amendment. Identifying the subject property on maps and providing a legal description is sufficient. Minor changes to the processing procedures of applicant-initiated map changes are also proposed in order to more closely align with the manner in which requests are actually processed.

1. Chairperson Hoover opened the floor for public comment. There was none.
2. No disclosures of Ex-Parte were offered from Board Members.
3. A motion was offered by Board Member Brass to recommend approval to the City Council for LDR Text Amendment Application No. 20-002-TA, which proposes to amend Section 70-340 broadening the applicability of the findings required for granting petitions; Appendix A; Form 1 to clarify the procedures for Comprehensive Plan Amendment Applications; Form 3 to clarify the procedures for Zoning District Boundary Change Petitions; creating Form 19 to provide standards and procedures for administratively initiated Comprehensive Plan FLUM Amendments; and creating Form 20 to provide standards and procedures for administratively initiated Zoning District Boundary Change Petitions as follows:
  - Appendix A, Form 1 Comprehensive Plan Amendment Petition number 2.b., to read Administrator reviews petition, initiates processing, issues notice of Planning Board public hearing.
  - Amend Appendix A, Form 1 Comprehensive Plan Amendment Petition number 2.d., to read Administrator issues notice of City Council public hearing.
  - Amend Appendix A, Form 3, Zoning district boundary change Petition number 2.b., to read Administrator reviews petition, initiates processing, issues notice of Planning Board public hearing.
  - Amend Appendix A, Form 3, Zoning district boundary change Petition number 2.d., to read Administrator issues notice of City Council public hearing.
  - Amend Appendix A, Form 3, Zoning district boundary change Petition by adding number 2.e., to read City Council holds first public hearing, renders decision.
  - Amend Appendix A, Form 3, Zoning district boundary change Petition by adding number 2.f., to read if approved, Administrator issues notice of second City Council public hearing.
  - Amend Appendix A, Form 3, Zoning district boundary change Petitions number 2.g., to read City Council holds second public hearing, renders final decision on petition.
  - Amend Appendix A by adding Form 19, Administratively Initiated Comprehensive Plan FLUM Amendment and Form 20, Administratively Initiated Zoning District Boundary Change petition that list petition contents and processing information. In addition to new application requirements proposed in Appendix A, some minor revisions are also proposed to Section 70-340 in order to broaden the applicability of the required findings for zoning map changes and land development code changes.

Amend the first paragraph to read, All petitions for change of land development regulations and change of zoning district boundary shall be considered in relation to the following criteria, where applicable.

In acting upon a petition, the City Council, Planning Board, or Board of Adjustment, as appropriate, shall find that: (1) amend the word use to request and in (3), (5), (7), and (8) amend the wording at the beginning of each sentence from The use to Approval of the request; seconded by Board Member Jonassaint.

- a) The Board offered no discussion.
- b) **Chairperson Hoover, Vice Chairperson McCoy, Board Members Baughman, Brass, Jonassaint, Papasso and Shaw voted: Aye. Nays: None. Absent: Board Members Chartier and Granados. Motion Carried.** The recommendation will be forwarded to the City Council for consideration at Public Hearings, tentatively scheduled for October 20, 2020 and November 17, 2020, 6:00 P.M.

**CHAIRPERSON HOOVER CLOSED THE PUBLIC HEARING AT 6:40 P. M.**

**VI. CHAIRPERSON HOOVER RECESSED THE REGULAR MEETING AND CONVENED THE WORKSHOP AT 6:40 P.M.**

- A. City Planning Consultant Smith briefly reviewed the Staff Report for the Workshop regarding discussion points for the formulation of a program to incentivize owners of properties zoned Holding to request rezoning to another zoning district. At one time, the City’s LDR’s contained regulations for the development of properties zoned Holding. However, several years ago, the Holding district regulations were removed from the LDR’s. Currently, if any property owner of land zoned Holding is seeking to develop that property, a rezoning must be performed first.

As members of the City Council and Planning Board have pointed out, the rezoning process can be an uncertain and cost prohibitive process for some property owners and prospective property buyers. If the goal of the City is to encourage properties owners of Holding properties to rezone, then the City may need to consider instituting a temporary program that provides some incentivization to rezone by reducing the requirements, lowering the application fee, and providing more certainty to the outcome of the rezoning process.

At the November 21, 2019 Workshop Meeting, staff received directions to proceed with a plan for City initiated rezonings of the Holding properties. Planner Smith explained several tasks would need to be considered.

First, application requirements, including application fees. Currently, Appendix A of the City’s LDR’s requires the following: petitioner’s name, address, phone number; proof of interest in property; property survey and location map; property owner’s list; site development plan; statement of use; supplementary supporting information; impact analysis and application fee. As part of the incentivization program, the City could reduce these rezoning application requirements in a few ways. The City could allow Holding property owners to submit their application without a survey and location map, instead requiring only a legal description and parcel number. Additionally, a site development plan and impact analysis are also not completely necessary. Appendix C of the City’s LDR’s requires a rezoning application fee of \$850 plus \$30 per acre.

In addition to the direct costs of advertising and postage, there are other costs the City has assumed including planning consultant time, administrative staff time, and in some rezoning situations, attorney time. At this time, these costs are not billed directly back to the applicant. Ultimately, it must be a City policy and budgeting decision whether to reduce the fees or set fees differently for any application. Considering the advertising costs, mailing costs, consultant time and administrative staff time spent on each rezoning request, reducing the rezoning application fees would likely be a subsidization. However, reducing fees, even if only moderately, would provide some incentivization for Holding property owners or prospective buyers to initiate a rezoning.

Secondly, identifying the map changes the City will support. Currently, 55 parcels of land within the City are zoned Holding. A few are developed, though most are undeveloped or used for agricultural purposes. Most of the Holding properties are designated as Single Family Residential (SF) on the FLUM, though there are two with Commercial designations and one with Mixed Use Residential. Staff has already prepared a report outlining the existing land use, surrounding land uses, FLUM designation and recommendations for map changes for nearly every Holding parcel. These recommendations should be discussed, revised as necessary and formalized by the Planning Board. Then, should Holding property owners request a rezoning according to the City's formally supported map changes, they can have confidence that the request will be approved.

Thirdly, deciding how the Holding property owners should be notified of the program. Ideally, a notice would be mailed to each property owner, with the notice being somewhat specific for each property to describe the map change that is supported by the City for their property. If phone and/or email contacts are known, staff could also reach out to property owners through those methods.

Lastly, adopting an ordinance to implement the program. Once the specifics of the program have been determined, an ordinance can be prepared.

After discussion, the consensus of the Board was to have the City Planner do some further research on the following items: draft a copy of what the notification letter to property owners would contain; how advertising costs could be minimalized; and draft an application with a proposed fee.

**CHAIRPERSON HOOVER ADJOURNED THE WORKSHOP AND RECONVENED THE REGULAR MEETING AT 7:17 P.M.**

- VII. There be no further items on the agenda, Chairperson Hoover adjourned the meeting at 7:17 P.M.

ATTEST:

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

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

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.