

ORDINANCE NO. 1087

**THIS ORDINANCE HAS NOT BEEN
SUPPLEMENTED TO THE CODE.
PLEASE REFER TO THE LANGUAGE
IN THIS ORDINANCE AS THE MOST
RECENT AND CORRECT.**

AN ORDINANCE OF THE CITY OF OKEECHOBEE, FLORIDA AMENDING CODE OF ORDINANCES SECTIONS: 90-35(c), CHANGE OR TRANSFER OF NONCONFORMING USE OR STRUCTURE; 90-168(1)(a), 90-168(1)(c), 90-168(1)(d), 90-168(1)(e)(4), 90-168(1)(f), FOUNDATION REQUIREMENTS FOR SINGLE FAMILY DWELLINGS IN ALL ZONING CLASSIFICATIONS EXCEPT RESIDENTIAL MOBILE HOME (RMH); 90-168(2)(b), 90-168(2)(c), FOUNDATION AND ELEVATION REQUIREMENTS FOR RESIDENTIAL MOBILE HOME (RMH) ZONES; 90-169(8)(a)(9), 90-169(8)(b)(4), 90-169(8)(b)(7), 90-169(8)(c)(4), RELOCATION AND INSTALLATION OF USED DWELLING UNITS; 90-170(c)(4), USED DWELLING UNITS and 90-170(f), MINIMUM CODE REVIEW REQUIRED, THEREOF; CHANGING THE LANGUAGE FROM STANDARD BUILDING CODE OR HOUSING CODE TO FLORIDA BUILDING CODE; PROVIDING FOR CONFLICTS, PROVIDING FOR SEVERABILITY 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 Land Development Regulations within the City; and

WHEREAS, the City of Okeechobee, Florida, has a legitimate interest in periodic review of its ordinances and land development regulations in order to update recent legislative amendments; to address certain inconsistencies or outdated regulations contained in the codes; to make amendments to meet changing community standards, or to accommodate new development; and to create new ordinance or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 City's Planning Board, acting as the Local Planning Agency, has reviewed the proposed amendments, at a duly advertised meeting held on May 17, 2012 and hereby recommends the language be changed from Standard Building Code or Housing Code to Florida Building Code in Sections 90-35, 90-168, 90-169 and 90-170; and

WHEREAS, the City Council agrees with the Planning Board's recommendation and finds enacting such amendments to be in the best interest of its citizens of said City.

NOW THEREFORE, the City Council for the City of Okeechobee, Florida, does herein approve, adopt and amend the City Code of Ordinances as follows:

SECTION 1. Amendment and Adoption.

That Sections 90-35, 90-168, 90-169 and 90-170, Code of Ordinances for the City of Okeechobee, Florida, are amended in the following respects:

Section.90-35. Change or transfer of nonconforming use or structure.

- (c) *Transfer of a nonconforming residential use.* In the event the underlying lands on which exists a nonconforming use in a residentially zoned category within the City is sold, assigned, or in any manner transferred from the record title holder of said lands, as such ownership is reflected in the records of the Clerk of Court or Property Appraiser for Okeechobee County, such nonconforming use may continue thereafter in such use, so long as such use is residential in nature. However, such nonconforming residential use shall

not thereafter be expanded, enlarged or increase in intensity of use, so long as the use remains nonconforming under City Codes. Additionally, such nonconforming residential use shall not be permitted to continue if the structure does not conform to fire safety code; health codes; Florida Standard Building Codes; or fails to comply with F.S. Ch. 381 regarding migrant housing.

Section.90-168. Dwelling foundations.

(1) *Foundation requirements for single family dwellings in all zoning classifications except residential mobile home (RMH).*

a. Foundation and elevation requirement. All dwelling units shall be placed on a foundation in accordance with the Florida Standard Building Code; or the codes adopted by Section 66-10 Land Development Regulations; or for manufactured homes shall be set up in accordance with the Permanent Foundations Guide for Manufactured Housing issued by the U.S. Department of Housing and Urban Development (Handbook 4930.3 1989), the provisions of Chapter 15C-1, F.A.C. Prior to the pouring of any concrete or the placement of concrete blocks or footings, the area under which concrete or the unit will be placed shall be cleared of all organic material and shall be prepared to ensure drainage as required by applicable codes and approval of the City Building Official and the Technical Review Committee. Further, any lot or area where such dwelling unit is intended to be placed and as permitted by the City, must be filled and/or graded to ensure that the ground upon which such foundation is to be placed is of an elevation no less than 12-inches above the crown of the roadways immediately adjacent to such lot or area. The City reserves the right to increase this elevation in the event the installation of septic tank service requires a corresponding increase in overall height.

(c) Perimeter footer. A perimeter footer, where required by the Florida Standard Building Code, shall be in accordance with the Florida Standard Building Code.

(d) Piers and blocking. Where piers or blocking are utilized to elevate structure from the slab, poured concrete runners or finished grade, support and anchoring/tie-down of the structure shall be in accordance with the Florida Standard Building Code requirements incorporated by Section 66-10, Land Development Regulations; or the Permanent Foundations Guide for Manufactured Housing issued by the U.S. Department of Housing and Urban Development (Handbook 4930.3 1989); or the manufacturer's specifications provided they meet or exceed the requirements of the F.A.C. Stabilizing plates or collars shall be required where auger anchors are used. Where piers and blocking are utilized, the following shall be required.

(e) (4) Framing, lathing and stucco in accordance with Florida Standard Building Code requirements incorporated by Section 66-10, Land Development Regulations.

(f) Standard Codes. All foundation types shall meet the Florida Standard Building Code requirements incorporated by Section 66-10 Land Development Regulation.

(2) *Foundation and elevation requirements for residential mobile (RMH) zones.*

(b) Either foundation type shall meet the Florida Standard Building Code requirements incorporated by Section 66-10 Land Development Regulations.

- (c) Blocking and tie-down shall be in accordance with provisions of the Florida Standard Building Code requirements incorporated by Section 66-10 Land Development Regulations for conventional construction; Chapter 15C-1.010, Florida Administrative Code (or the manufacturer's specifications provided they meet or exceed the minimum requirements set forth in the Florida Administrative Code) for manufactured housing. Stabilizing plates or collars shall be required where auger anchors are used. In addition, the requirements of 90-168(1)d.1-7. above must also be met.

Section 90-169. Appearance and design standards.

- (8) *Relocation and installation of used dwelling units.* Any used dwelling unit built and remaining in compliance with the Florida Standard Building Codes incorporated by Section 66-10 Land Development Regulations, or the Manufactured Home Construction and Safety Standards of the U.S. Department of Housing and Urban Development, as well as the requirements of Section 90-170 of this Code, shall be eligible for relocation and/or placement, replacement, installation, or reinstallation in any residential zoning district in accord with regulations as established by the Schedule of District Regulations upon demonstration of continued compliance with the applicable building codes and standards as well as compliance with the Appearance and Design Standards of this section and with the provisions of Section 90-169 of this Code. There shall be a rebuttable presumption that a unit that is five years of age or less as of the date of application meets the appearance and design standards of the City or the minimum applicable building codes. Except as otherwise permitted by this subsection, no used dwelling unit shall be placed, replaced, located, relocated, installed or reinstalled from the site upon which it was first placed, constructed or installed.

- (a) (9) Proof that the dwelling continues to meet either the Florida Standard Building Codes incorporated by Section 66-10 Land Development Regulations or the Manufactured Home Construction and Safety Standards of the U.S. Department of Housing and Urban Development.

- (b) (4) The Board of Adjustments and Appeals shall determine whether the dwelling unit continues to meet the Florida Standard Building Codes incorporated by Section 66-10 Land Development Regulations, or Manufactured Home Construction and Safety Standards of the U.S. Department of Housing and Urban Development, as well as the requirements of Section 90-170 of this Code and the appearance and design standards of this section, and whether the unit is consistent with and compatible with the general character of the neighborhood or community. Within a reasonable time of the conclusion of a public hearing, the Board of Adjustment and Appeals shall make a determination as to whether the dwelling unit meets the standards described in this section. Appeals of the Board's determination shall be in accordance with the provisions of Section 70-371 Land Development Regulations.

- (7) A final determination not in favor of compliance shall prohibit relocation if the reason for a finding of noncompliance was the failure to meet the Florida Standard Building Codes incorporated by Section 66-10 Land Development Regulations or the Manufactured

Home Construction and Safety Standards of the U.S. Department of Housing and Urban Development. If the reason for a finding of noncompliance was the failure to meet the appearance and design standards of this section or the failure to determine to be consistent with and compatible with surrounding units or the failure to be consistent with or compatible with the general character of the neighborhood or community, the relocation and replacement/reinstallation of the dwelling unit shall be limited to an otherwise conforming site located in a residential mobile (RMH) zoning district subject to applicable codes and regulations. The failure of a used unit to meet age standards as established by this code for the location, relocation, placement, replacement, installation or reinstallation of a used unit shall not authorize the relocation, replacement or reinstallation of the unit in a residential mobile home (RMH) district.

- (c) (4) A final determination not in favor of compliance shall prohibit relocation if the reason for a finding of non compliance was the failure to meet the Florida Standard Building Codes incorporated by Section 66-10 Land Development Regulations or the Manufactured Home Construction and Safety Standards of the U.S. Department of Housing and Urban Development. If the reason for a finding of noncompliance was the failure to meet the appearance and design standards of this section or the failure to be consistent with and compatible with surrounding units or the failure to be consistent with or compatible with the general character of the neighborhood or community, the relocation and replacement/reinstallation of the dwelling unit shall be limited to an other wise conforming site located in a residential mobile home (RMH) zoning district subject to applicable codes and regulations. The failure of a used unit to meet age standards as established by this Code for location, relocation, placement, replacement, installation or reinstallation of a used unit shall not authorize the relocation, replacement or reinstallation of the unit in a residential mobile home (RMH) district.

Section 90-170. Minimum code compliance review.

(c) *Used dwelling units.* This section applies to trailers, mobile homes, and used manufactured homes and buildings and shall ensure safe and liable housing. The provisions of this section shall not be construed to be more stringent than those standards required to be met in the manufacture of construction of new dwelling units.

- (4) Due to the lack of federal building and safety standards for transportable structures manufactured prior to June 15, 1976, as well as the adoption of local Florida Standard Building Codes (see Section 66-10 Land Development Regulations) that for the most part would prohibit such structures, any mobile home manufactured prior to June 15, 1976 shall be imported into the City of Okeechobee for use or resale as a dwelling either temporarily or permanently, nor shall any mobile home manufactured prior to June 15, 1976 be installed, reinstalled, located, relocated, placed or replaced within the City of Okeechobee, or moved from one location in the City to another location in the City. The sale, resale, installation or transportation of a mobile home in violation of this subsection is strictly prohibited. The

City Building Official may grant limited waivers for the sole purpose of transporting a substandard mobile home out of the City of Okeechobee or to a permitted site for demolition and disposal.

- (f) *Minimum code review required.* Any building or structure used or intended to be used for human habitation or the storage of materials associated with human habitation not otherwise reviewed in accordance with this section shall be inspected to ensure that they comply with basic minimum standards prior to the installation, connecting or provision of utilities in accordance with the provisions of the Florida Building Standard Housing Code. See Section 66-10 Land Development Regulations. A certificate of inspection shall be issued by the Building Official, or as other applicable provisions of this Code shall apply.

SECTION 2. Conflict.

All ordinances or parts of ordinances in conflict herewith are hereby repealed.

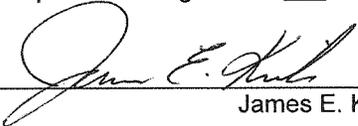
SECTION 3. Severability.

If any provision or portion of this ordinance is declared by a 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.

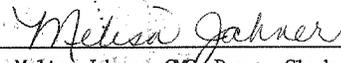
SECTION 4. Effective Date.

This Ordinance shall take effect immediately upon its passage.

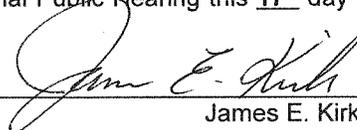
INTRODUCED for first reading and set for final public hearing on this 19th day of June, 2012.


James E. Kirk, Mayor

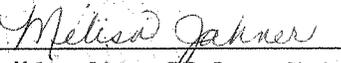
ATTEST:


Melisa Jahner, OC, Deputy Clerk

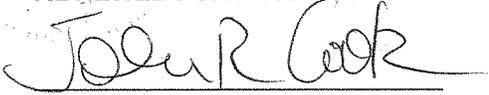
PASSED AND ADOPTED after Second and Final Public Hearing this 17th day of July, 2012.


James E. Kirk, Mayor

ATTEST:


Melisa Jahner, OC, Deputy Clerk

REVIEWED FOR LEGAL SUFFICIENCY:


John R. Cook, City Attorney

