

ORDINANCE NO. 1108

AN ORDINANCE OF THE CITY OF OKEECHOBEE FLORIDA, PROVIDING FOR AMENDMENT TO PART II-CODE OF ORDINANCES, SUBPART B-LAND DEVELOPMENT REGULATIONS, CHAPTER 66-GENERAL PROVISIONS, BY ADDING A DEFINITION FOR LIMITED AGRICULTURE TO SECTION 66-1; CHAPTER 90-ZONING, ARTICLE III-DISTRICT AND DISTRICT REGULATIONS, CREATING DIVISION 15-RURAL HERITAGE (RH) DISTRICT, TO ADDRESS THE PRESERVATION OF PROPERTY FORMERLY ZONED HOLDING IN SECTIONS 90-434 THROUGH 90-438; DIVISION 2-RESIDENTIAL SINGLE-FAMILY ONE (RSF-1) DISTRICT, DIVISION 5-RESIDENTIAL MULTIPLE-FAMILY (RMF) DISTRICT, DIVISION 10-INDUSTRIAL (IND) DISTRICT, BY ADDING LIMITED AGRICULTURE OF A COMMERCIAL NATURE TO THE LIST OF PERMITTED USES TO SECTIONS 90-102, 90-192, AND 90-342; DIVISION 13-RESIDENTIAL PLANNED UNIT DEVELOPMENT (PUD-R) DISTRICT, BY ADDING LIMITED AGRICULTURE AS A PERMISSIBLE INTERIM USE TO THE LIST OF PERMITTED USES IN SECTION 90-417; PROVIDING FOR FINDINGS OF FACT; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City Council for the City of Okeechobee, Florida adopted Ordinance No. 716, as amended, known as the Land Development Regulations, and codified within the Code of Ordinances as Part II, Subpart B to provide consistency for growth and development; and

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interest in periodic review of its ordinances and Land Development Regulations to address certain inconsistencies or outdated regulations contained in the Code of Ordinances; to make amendments to meet changing community standards, or to accommodate new development; to create new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

WHEREAS, the Planning Board, acting as the Local Planning Agency of the City of Okeechobee, Florida, recently reviewed the Code of Ordinances and Land Development Regulations to determine areas of improvement; discussing proposed amendments at duly advertised public workshops and meetings held on February 21, 2013, July 18, 2013, September 19, 2013, and October 17, 2013, and based on findings of fact by Planning Staff, hereby recommends certain changes, amendments or modification 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, has considered the recommendations and concludes that each of the proposed amendments is in the best interest of the City and its citizens; that said amendments are necessary and appropriate to make the Code of Ordinances 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:

Language to be added is underlined
Language to be deleted is ~~struck through~~

SECTION 1: That Section 66-1 **Definitions** of Chapter 66 **General Provisions** of the City of Okeechobee, Florida, Code of Ordinances Part II, Subpart B Land Development Regulations, is hereby amended by adding the following definition which read as follows:

Limited agriculture means commercial or noncommercial boarding, raising and grazing of horses and cattle; noncommercial raising or keeping of a maximum of three in total number of hogs, sheep, and goats; noncommercial plant and vegetable gardens; and cultivation of hay for use or sale.

SECTION 2: That the City of Okeechobee, Florida, Code of Ordinances Part II, Subpart B Land Development Regulations, Chapter 90 **Zoning**, Article III **Districts and District Regulations**, is hereby amended by adding a Division entitled **Rural Heritage (RH) District** to be numbered as 15, and Sections: 90-434 Generally, 90-435 Permitted Uses, 90-436 Special Exception Uses, 90-437 Customary Accessory Uses, and 90-438 Lot and Structure Requirements, which said Sections read as follows:

Division 15. Rural Heritage (RH) District

Section 90-434. Generally.

- (a) There are, within the City, parcels of land or ownerships (even though technically subdivided) that are presently undeveloped or used for agricultural purposes and were formerly zoned Holding, a zoning district no longer in existence. The City wishes to preserve the potential for limited agricultural use on these properties through creation of the RH District.
- (b) The RH Zoning District may be applied only to lands designated Single-Family Residential, Multi-Family Residential, Mixed-Use Residential, and Industrial on the Future Land Use Map of the Comprehensive Plan.
- (c) Uses in the RH District shall be subject to the regulations of this division.

Section 90-435. Permitted Uses.

The following principal uses and structures are permitted in the RH District:

- (1) Detached single-family dwellings.
- (2) Limited agricultural uses and associated structures for the commercial or noncommercial boarding, raising and grazing of horses and cattle; non-commercial raising or keeping of a maximum of three in total number of hogs, sheep and goats; noncommercial plant and vegetable gardens; and cultivation of hay for use or sale.
- (3) Notwithstanding the limitations set forth in subsection (2), above, agricultural uses of a commercial nature on properties on which there is an active agricultural exemption granted by the Okeechobee Property Appraiser not later than September 19, 2013.

Section 90-436. Special Exception Uses.

The following uses and structures are permitted in the RH District after the issuance of a Special Exception Use Petition.

- (1) Permitted uses in excess of 30 feet in height.
- (2) Reserved.

Language to be added is underlined
Language to be deleted is struck through

SECTION 3: That Section 90-102 **Permitted Uses** of Chapter 90 **Zoning**, Article III **Districts and District Regulations**, Division 2 **Residential Single Family-One (RSF-1) District**, of the City of Okeechobee, Florida, Code of Ordinances Part II, Subpart B Land Development Regulations, is hereby amended by adding item (6) to read as follows:

(6) Limited agriculture of a commercial nature on properties on which there is an active agricultural exemption, which was granted by the Okeechobee Property Appraiser not later than September 19, 2013.

SECTION 4: That Section 90-192 **Permitted Uses** of Chapter 90 **Zoning**, Article III **Districts and District Regulations**, Division 5 **Residential Multiple Family (RMF) District**, of the City of Okeechobee, Florida, Code of Ordinances Part II, Subpart B Land Development Regulations, is hereby amended by adding item (8) to read as follows:

(8) Limited agriculture of a commercial nature on properties on which there is an active agricultural exemption, which was granted by the Okeechobee Property Appraiser not later than September 19, 2013.

SECTION 5: That Section 90-342 **Permitted Uses** of Chapter 90 **Zoning**, Article III **Districts and District Regulations**, Division 10 **Industrial (IND) District**, of the City of Okeechobee, Florida, Code of Ordinances Part II, Subpart B Land Development Regulations, is hereby amended by adding item (29) to read as follows:

(29) Limited agriculture of a commercial nature on properties on which there is an active agricultural exemption, which was granted by the Okeechobee Property Appraiser not later than September 19, 2013.

SECTION 6: That Section 90-417 **Permitted Uses** of Chapter 90 **Zoning**, Article III **Districts and District Regulations**, Division 13 **Residential Planned Unit Development (PUD-R) District**, of the City of Okeechobee, Florida, Code of Ordinances Part II, Subpart B Land Development Regulations, is hereby amended by adding item (4) under paragraph (a) and item (7) under paragraph (b) to read as follows:

(a) (4) Limited agriculture shall be permissible as an interim use until such time as urban development is undertaken in accordance with an approved planned development.

(b) (7) Limited agriculture shall be permissible as an interim use until such time as urban development is undertaken in accordance with an approved planned development.

SECTION 7: Conflict. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION 8: 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.

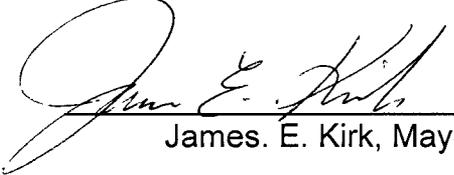
SECTION 9: Effective Date. As provided in Florida Statute 166.041(4), this Ordinance shall become effective 10 days after passage.

Language to be added is underlined
Language to be deleted is ~~struck through~~

INTRODUCED at a duly advertised Public Hearing for First Reading as provided by Florida Statute 166.041(3)(c)2., and set for Final Public Hearing on this 18th day of February, 2014.

ATTEST:

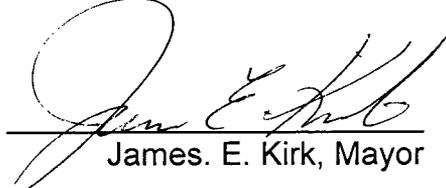

Lane Gamiotea, CMC, City Clerk


James. E. Kirk, Mayor

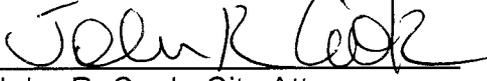
PASSED AND ADOPTED on Second Reading at a duly advertised Final Public Hearing on this 18th day of March, 2014.

ATTEST:


Lane Gamiotea, CMC, City Clerk


James. E. Kirk, Mayor

REVIEWED FOR LEGAL SUFFICIENCY:


John R. Cook, City Attorney