

ORDINANCE NO. 1127

AN ORDINANCE OF THE CITY OF OKEECHOBEE, FLORIDA, PROVIDING FOR AMENDMENTS TO PART II OF THE CODE OF ORDINANCES, SUBPART B-LAND DEVELOPMENT REGULATIONS; PROVIDING FOR AMENDMENTS CHAPTER 66-GENERAL PROVISIONS TO INCLUDE DEFINITIONS WITHIN SECTION 66-1 FOR AUTOMATED TELLER MACHINE/ATM AND BULK STORAGE; PROVIDING FOR AMENDMENTS TO CHAPTER 90-ZONING, ARTICLE III-DISTRICT AND DISTRICT REGULATIONS, SPECIFICALLY DIVISION 6-COMMERCIAL PROFESSIONAL OFFICE DISTRICT SECTION 90-223, DIVISION 7-LIGHT COMMERCIAL DISTRICT SECTION 90-253, DIVISION 8-HEAVY COMMERCIAL DISTRICT SECTION 90-283, AND DIVISION 9-CENTRAL BUSINESS DISTRICT SECTION 90-313 TO INCLUDE A FREE-STANDING DRIVE-UP AUTOMATED TELLER MACHINE/ATM WITHIN THE LIST OF SPECIAL EXCEPTION USES WITH CONDITIONS; PROVIDING FOR CONFLICTS, PROVIDING FOR SEVERABILITY; 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in periodic review of its ordinances and land development regulations in order to address certain inconsistencies or outdated regulations contained in the codes; to make amendments to meet changing community standards, or to accommodate new development; and to create new ordinance or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. 15-004-TA, at a duly advertised Public Hearing held on August 20, 2015, 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 by 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:

SECTION 1: Amendment and Adoption to Section 66-1.

That the City Council for the City of Okeechobee, Florida, amends herein Part II of the Code of Ordinances, Subpart B-Land Development Regulations, Chapter 66-General Provisions, Section 66-1 to include and amend the following definitions:

Automated teller machine/ATM means a machine used by bank and financial service patrons to conduct transactions including deposits, fund transfers, and withdrawals without contact with financial institution personnel. The machines may be located at or within a bank, or in other locations. A walk-up ATM located inside or on the outside wall of the principal use is considered a customary accessory use to all uses of a commercial nature contained in the list of Permitted or Special Exception Uses in the CPO, CLT, CHV, and CBD Zoning Districts.

Bulk storage means the storage of liquid, solid or gaseous materials in structures for subsequent resale to distributors, retail dealers or outlets, and not directly to the consuming public.

SECTION 2: Amendment and Adoption to Section 90-223.

That the City Council for the City of Okeechobee, Florida, amends herein Part II of the Code of Ordinances, Subpart B-Land Development Regulations, Chapter 90-Zoning, Article III-District and District Regulations, Division 6-Commercial Professional Office District, Section 90-223 Special Exception Uses to expand the list of uses to include a free-standing drive-up ATM as follows:

The following uses and structures are permitted in the CPO district after issuance of a special exception use petition and may have additional conditions imposed at the time of approval:

- (1) Day care center.
- (2) Personal services, except pawn shops and dry cleaning on premises.
- (3) Café.
- (4) Business School.
- (5) Private club.
- (6) House of worship.
- (7) Public facility and use.
- (8) Public utility.
- (9) Permitted uses in excess of 45 feet in height.
- (10) Adult family care homes, assisted living facility as defined in F.S. § 429.02(5).
- (11) Free-standing drive-up ATM which is owned and operated by a bank or other financial institution with an office located Okeechobee County.

SECTION 3: Amendment and Adoption to Section 90-253.

That the City Council for the City of Okeechobee, Florida, amends herein Part II of the Code of Ordinances, Subpart B-Land Development Regulations, Chapter 90-Zoning, Article III-District and District Regulations, Division 7-Light Commercial District, Section 90-253 Special Exception Uses to expand the list of uses to include a free-standing drive-up ATM as follows:

The following uses and structures are permitted in the CLT district after issuance of a special exception use petition and may have additional conditions imposed at the time of approval:

- (1) Restaurant, take-out restaurant, café.
- (2) Dry cleaner/laundry, laundromat.
- (3) Private club, night club.
- (4) Business school.
- (5) Radio, television or cable reception, transmission or operational facilities.
- (6) Commercial indoor recreation.
- (7) Commercial parking garage or lot, taxi stand.
- (8) Outdoor vehicle sales lot.
- (9) House of worship.
- (10) Marina, dock, pier.
- (11) Enclosed storage.
- (12) Public facility or use.
- (13) Public utility.

- (14) Permitted uses in excess of 45 feet in height.
- (15) One dwelling unit per commercial building.
- (16) Group home.
- (17) Adult family care homes, assisted living facilities as defined in F.S. 426.02(5).
- (18) Nursing home.
- (19) Taxidermist.
- (20) Free-standing drive-up ATM which is owned and operated by a bank or other financial institution with an office located in Okeechobee County.

SECTION 4: Amendment and Adoption to Section 90-283.

That the City Council for the City of Okeechobee, Florida, amends herein Part II of the Code of Ordinances, Subpart B-Land Development Regulations, Chapter 90-Zoning, Article III-District and District Regulations, Division 8-Heavy Commercial District, Section 90-283 Special Exception Uses to expand the list of uses to include a free-standing drive-up ATM as follows:

The following uses and structures are permitted in the CHV district after issuance of a special exception use petition and may have additional conditions imposed at the time of approval:

- (1) Drive-through service.
- (2) Auto service station, car wash.
- (3) Wholesale, warehouse not including bulk storage of flammable liquids.
- (4) Enclosed warehouse and storage.
- (5) Outdoor sales and storage, building trades contractor.
- (6) Flea market.
- (7) Mechanical and repair services.
- (8) Commercial outdoor recreation.
- (9) Veterinary service.
- (10) Crematory.
- (11) Marina, dock, pier.
- (12) Recreational vehicle park, for transient recreation use.
- (13) Radio, television or cable reception, transmission or operational facilities.
- (14) Public facility or use.
- (15) Public utility.
- (16) Permitted uses in excess of 45 feet in height.
- (17) One dwelling unit per commercial building.
- (18) Outdoor vehicle sales lot.
- (19) House of worship.
- (20) Hospitals, which means in patient hospital care.
- (21) Adult family care homes, assisted living facilities as defined in F.S. § 429.02(5).
- (22) Nursing homes.
- (23) Free-standing drive-up ATM which is owned and operated by a bank or other financial institution with an office located in Okeechobee County.

SECTION 5: Amendment and Adoption to Section 90-313.

That the City Council for the City of Okeechobee, Florida, amends herein Part II of the Code of Ordinances, Subpart B-Land Development Regulations, Chapter 90-Zoning, Article III-District and District Regulations, Division 9-Central Business District, Section 90-313 Special Exception Uses to expand the list of uses to include a free-standing drive-up ATM as follows:

The following uses and structures are permitted in the CBD district after issuance of a special exception use petition and may have additional conditions imposed at the time of approval:

- (1) Drive-through service.
- (2) Auto service station, car wash.
- (3) Radio, television or cable reception, transmission or operational facilities.
- (4) Mechanical and repair services.
- (5) House of worship.

- (6) Marina, dock, pier.
- (7) Public facility or use.
- (8) Public utility.
- (9) Permitted uses in excess of 45 feet in height.
- (10) One dwelling unit per commercial building.
- (11) Outdoor vehicle sales lot.
- (12) Free-standing drive-up ATM which is owned and operated by a bank or other financial institution with an office located in Okeechobee County.

SECTION 6: Conflict.

That all laws or ordinances in conflict with any provision of this ordinance are hereby repealed to the extent of such conflict.

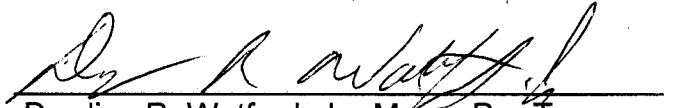
SECTION 7: Severability.

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.

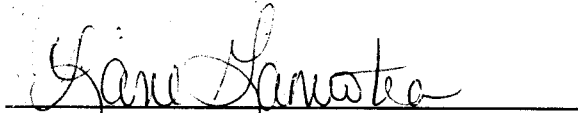
SECTION 8: Effective Date.

This Ordinance shall take effect immediately upon its passage.

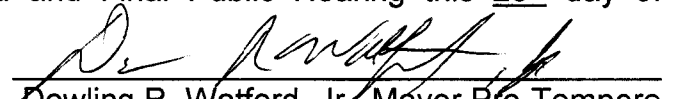
INTRODUCED for first reading and set for final public hearing on this 14th day of September, 2015.


Dowling R. Watford, Jr., Mayor Pro-Tempore

ATTEST:


Lane Gamiotea, CMC, City Clerk

PASSED AND ADOPTED after Second and Final Public Hearing this 28th day of September, 2015.


Dowling R. Watford, Jr., Mayor Pro-Tempore

ATTEST:


Lane Gamiotea, CMC, City Clerk

REVIEWED FOR LEGAL SUFFICIENCY:


John R. Cook, City Attorney