

## ORDINANCE NO. 1115

AN ORDINANCE OF THE CITY OF OKEECHOBEE, FLORIDA AMENDING PART II OF THE CODE OF ORDINANCES, SUBPART B-LAND DEVELOPMENT REGULATIONS, CHAPTER 90-ZONING, ARTICLE III-DISTRICTS AND DISTRICT REGULATIONS, DIVISION 6 COMMERCIAL PROFESSIONAL AND OFFICE (CPO) DISTRICT, SECTION 90-223 SPECIAL EXCEPTION USES, BY EXPANDING THE LIST TO INCLUDE PERSONAL SERVICES, EXCLUDING PAWN SHOP; PROVIDING FOR FINDINGS OF FACT; PROVIDING FOR CONFLICT; 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; 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interest in periodic review of its Ordinances and Land Development Regulations to address certain inconsistencies or outdated regulations contained in the Codes; to make amendments to meet changing community standards, or to accommodate new development; and to create new ordinance or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**, Ms. Donna Wildes d/b/a Beasts and Barbells, LLC, has heretofore filed Application No. 14-001-TA, pursuant to the Land Development Regulations of the City of Okeechobee for the purpose of requesting the City to review and consider amending the allowable uses within the CPO Zoning District; and

**WHEREAS**, the Planning Board, acting as the Local Planning Agency, reviewed and discussed the proposed amendments, at a duly advertised Public Hearing held on September 18, 2014, 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 for 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.**

That Subpart B-Land Development Regulations, Chapter 90-ZONING, Article III-Districts and District Regulations, Division 6-CPO District, Section 90-223, within Part II Code of Ordinances for the City of Okeechobee, Florida, is amended to read as follows:

Sec. 90-223. Special Exception Uses.

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) ~~Barbershop, beauty shop.~~ 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).

## SECTION 2. Conflict.

All ordinances or parts of ordinances in conflict herewith are hereby repealed.

## SECTION 3. Severability.

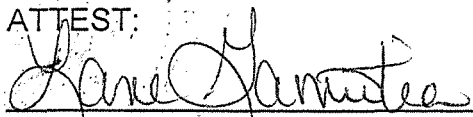
If any provision or portion of this ordinance is declared by a court of competent jurisdiction to be void, unconstitutional, or unenforceable, then all remaining provisions and portions of this ordinance shall remain in full force and effect.

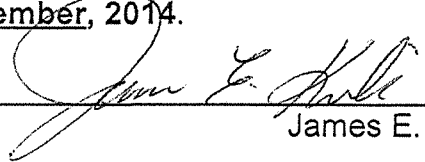
## SECTION 4. Effective Date.

This Ordinance shall take effect immediately upon its passage.

**INTRODUCED** at a Public Hearing for First Reading, and set for Final Public Hearing on this 30<sup>th</sup> day of September, 2014.

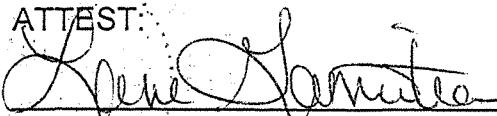
ATTEST:

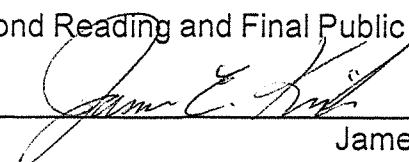
  
Lane Gamiotea, CMC, City Clerk

  
James E. Kirk, Mayor


**PASSED AND ADOPTED** after Second Reading and Final Public Hearing this 21<sup>st</sup> day of October, 2014.

ATTEST:

  
Lane Gamiotea, CMC, City Clerk

  
James E. Kirk, Mayor

**REVIEWED FOR LEGAL SUFFICIENCY:**

  
John R. Cook, City Attorney