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**ORDINANCE**  
**NUMBER 2019-03**

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**AN ORDINANCE OF THE CITY OF LABELLE, FLORIDA;  
AMENDING CHAPTER 4, ARTICLE V, SECTION 4-82 OF  
THE CITY OF LABELLE LAND DEVELOPMENT CODE,  
CREATING THE STATE ROAD 80 OVERLAY DISTRICT;  
PROVIDING FOR CODIFICATION, SEVERABILITY,  
CONFLICTS AND AN EFFECTIVE DATE.**

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**RECITALS**

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**WHEREAS**, the City of LaBelle, Florida has the authority to adopt this Ordinance pursuant to Article VIII of the Constitution of the State of Florida; Chapters 163 and 166; and Section 381.986 Florida Statutes; and

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**WHEREAS**, the City Commission recognizes the need for design standards for the State Road 80 corridor to ensure development along this gateway upholds the City’s vision for a well-planned and attractive built environment; and

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**WHEREAS**, the City Commission recognizes the need for regulations intended to provide economic development and entrepreneurial opportunities for applicable businesses and landowners, while ensuring a compatible land use pattern, and high-quality development; and

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**WHEREAS**, the City of LaBelle desires to maintain minimum regulations and public review for certain intensive commercial uses through the special exception process, to ensure the protection of public health, safety and welfare; and

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**WHEREAS**, the proposed ordinance was properly advertised and has received a public hearing before the Local Planning Agency and City Commission on February 14, 2018 and March 14, 2019; and

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**WHEREAS**, the City finds that this Ordinance is in the interests of the public health, safety, and welfare.

**NOW, THEREFORE, BE IT ORDAINED** by the City Commission of the City of LaBelle, Florida:

**Section 1.** Recitals. The forgoing recitals are hereby ratified and confirmed as being true and correct and hereby made a part of this Ordinance and adopted as legislative findings.

**Section 2.** Amendment to the City Code. Chapter 4, Article IV, District Regulations of the City of LaBelle is hereby amended with the following provisions:

47 **Sec. 4-82. - State Road 80 Overlay District**

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49 4-82.1. Purpose and intent. The purpose and intent of the State Road 80 Overlay District  
50 code is to:

- 51  
52 (1) Guide future growth and redevelopment along SR 80 in a manner that maintains and  
53 enhances the sense of place and aesthetic/visual quality of the corridor, makes  
54 efficient use of public infrastructure, protects existing neighborhoods, and balances  
55 automobile-oriented development patterns with multi-modal transportation choices.  
56 (2) Prevent the expansion of a “strip” commercial development pattern, and create a  
57 physically attractive, and functionally integrated built environment through cohesive  
58 and complimentary site development and design standards provided for herein.

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60 4-82.2. Applicability.

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62 (1) The State Road 80 Overlay District defined as any property with frontage abutting the  
63 SR 80 right-of-way.  
64 (2) Provisions of this subsection shall apply to all development and redevelopment (as  
65 defined in 4-80.9.2.) of property with frontage on SR 80.  
66 (3) Existing PUDs may voluntarily bring a master concept plan into compliance with the  
67 regulations contained in this section administratively. Uses that are prohibited, or  
68 subject to special exception approval (in accordance with subsection 4-82.4), and are  
69 approved as part of an existing PUD, must comply with this section unless subject to  
70 a building permit approval.  
71 (4) If a parcel is in one or more overlay districts, the more restrictive overlay standards  
72 shall apply.

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74 4-82.3. Permitted uses. Uses within the State Road 80 Overlay District shall be permitted  
75 in accordance with the underlying zoning district, except as provided for herein.

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77 4-82.3.1. Special exception approval required. The following uses require Special  
78 Exception approval:

- 79  
80 A. Auto repair  
81 B. Animal Sales and Services  
82 C. Bus station/depot  
83 D. Car washes  
84 E. Convenience Stores with Gas Pumps  
85 F. Food and Beverage Sales/Establishments: Bars, Night clubs  
86 G. Fast Food Restaurants  
87 H. Flea market, open and indoor  
88 I. Gas stations  
89 J. Institutional Housing  
90 K. Laboratories  
91 L. Maintenance and Repair Services  
92 M. Mini-warehouse

- 93 N. Outdoor Sales Area
- 94 O. Retail Sales/Rental Establishments
- 95 P. Vehicle/Equipment Sales and Service
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97 4-82.3.2. Approval criteria. The following criteria will be utilized to evaluate special  
98 exception requests in the State Road 80 Overlay District in addition to criteria established  
99 in Section 4-41:

- 100
- 101 A. Consistency with the intent of the State Road 80 Overlay District in protecting  
102 and enhancing viewsheds from SR 80 and other public roadways.
- 103 B. The request addresses the balance between auto-oriented design and multi-  
104 modal access, particularly pedestrian access, through enhanced design  
105 standards.
- 106 C. The site design standards incorporate innovative techniques to address the  
107 project's visual impact on the SR 80 corridor and demonstrate enhancements  
108 to the minimum standards.
- 109 D. Exceptional or extraordinary conditions exist which warrant the proposed use,  
110 including but not limited to demonstrated market demand and minimum  
111 spatial separation of 500 feet from a similar use.
- 112 E. Will not be injurious to the neighborhood or otherwise detrimental to the  
113 public welfare.
- 114 F. Will be compatible with existing or planned uses.
- 115 G. Will not cause damage, hazard, nuisance or other detriment to persons or  
116 property.
- 117 H. Will protect, conserve or preserve environmentally critical areas and natural  
118 resources.
- 119 I. Consistency with the goals, objectives, policies and intent of the Labelle  
120 Comprehensive Plan.
- 121 J. In compliance with all general zoning provisions, supplemental regulations  
122 and performance standards pertaining to the use set forth in this chapter.
- 123

124 4-82.3.3 Prohibited uses. The following uses are prohibited within the SR 80 Overlay  
125 District:

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- 127 A. Contractor, construction, or equipment yard
- 128 B. Keeping and raising of swine and poultry
- 129 C. Livestock auction
- 130 D. Manufacturing, fabrication or industrial establishments
- 131 E. Mining
- 132 F. Off-site advertising signs
- 133 G. Outdoor storage
- 134 H. Pawnshops
- 135 I. Salvage/Junkyards/Recycling
- 136 J. Slaughter house for livestock
- 137 K. Sanitary land fill
- 138 L. Toxic waste site

- 139 M. Wholesale warehouse, processing or storage establishments
- 140 N. Uses similar in character to any of the above uses

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142 4-82.4. Development Standards.

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144 (1) State Road 80 Right-of-Way Buffer. Developments that directly abut the S. R. 80  
145 right-of-way must provide the following buffer in addition to the requirements for  
146 streetscape landscaping in Section 4-80.10:

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148 A. Standards. A SR 80 right-of-way landscape buffer shall be a minimum of  
149 fifteen feet (15') in width with five (5) trees per 100 linear feet and a hedge  
150 row. Clustering of trees and plant material is encouraged to promote healthy  
151 growth of vegetation, screen parking areas from public view, and generally  
152 uphold the view corridors along SR 80.

153 B. Required trees. The required trees and palms shall be clustered in double rows  
154 with a minimum of three (3) trees per cluster.

155 1) The maximum spacing between canopy trees and/or palm clusters is  
156 fifty feet (50').

157 2) Canopy/shade trees shall be planted a minimum of thirty feet (30') on  
158 center within a cluster.

159 3) Palms shall be planted in staggered heights, a minimum of three (3)  
160 palms per cluster, spaced at a maximum of eight feet (8') on center,  
161 with a minimum of three feet (3') in difference in height between each  
162 tree.

163 C. Height. All trees must be a minimum of twelve feet (12') in height at the time  
164 of installation, and shrubs must be a minimum of three (3) feet in height at  
165 time of installation. The buffer must be designed in a manner that does not  
166 block signage.

167 D. Required hedges. A hedge row provides a reduction in ambient light from  
168 parking and drive isles of thee uses along SR 80. The hedge row must be  
169 planted and be maintained so as to form a 36-inch high continuous visual  
170 screen within one year after time of planting.

171 E. Pedestrian access. The buffer must be designed in a manner that facilitates  
172 pedestrian access to the development. Where perimeter fences and walls are  
173 incorporated into the perimeter buffer design of the site, the pedestrian access  
174 point(s) must be visible from the adjacent rights-of-way.

175 F. Building location. Where buildings are located a maximum of 25 feet from the  
176 SR 80 right-of-way line an alternative buffer may be permitted through  
177 submitting a landscape betterment plan.

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179 (2) Off-street parking screening. An enhanced right-of-way buffer will be required where  
180 off-street parking areas abut SR 80 and exceed one (1) double row of parking. The  
181 buffer shall meet the minimum requirements of the this subsection and Section 40-  
182 80.10 with the following changes along the entire length of the landscape buffer:

183

184 A. The buffer width increases to twenty-five feet (25') in width.

- 185 B. The tree requirements shall be increased to 6 trees per 100 lineal feet.  
186 C. The hedge row becomes a double staggered row.  
187 D. Additionally, an undulating berm with a maximum slope of 3:1 a minimum  
188 average height of two feet (2') shall be constructed.  
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190 4-82.5. Parking and circulation.  
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- 192 (1) Vehicular interconnections required. Developments are required to provide vehicular,  
193 interconnections to the adjacent property, regardless of existing or proposed land use,  
194 unless one of the following criteria are met:  
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- 196 A. It is not physically possible to provide the interconnection.  
197 B. The cost associated with the shared access or interconnection is unreasonable.  
198 For this application unreasonable will be considered when the cost exceeds  
199 the cost of a typical local road section or is above ten percent (10%) of the  
200 value of the improvements being made to the development.  
201 C. The location of environmentally sensitive lands, either on-site or off-site  
202 precludes it and mitigation is not possible.  
203 D. The abutting use is found to be incompatible with the existing or proposed  
204 use.  
205 E. All developments required to provide interconnections to existing and future  
206 developments must dedicate sufficient right-of-way or easement for all  
207 required roads, sidewalks, and bike lanes. Bike lane and sidewalk  
208 interconnections must be constructed concurrently with the required vehicular  
209 interconnection.  
210

- 211 (2) Pedestrian interconnections required. Sidewalks and crosswalks must be provided to  
212 separate pedestrians from vehicular traffic both internal and external to the site.  
213 Pedestrians will only share pavement with vehicular traffic in marked crosswalks.  
214

- 215 A. Sidewalks must be a minimum of five feet wide.  
216 B. Sidewalks and crosswalks must be provided internal to the site and connect  
217 pedestrians from parking areas to all principle building(s), including  
218 outparcels.  
219 C. External sidewalk connections must be provided at a ratio of one (1) sidewalk  
220 for each vehicular entrance to a project. Drive aisles leading to main entrances  
221 must provide a sidewalk on one (1) side of the drive aisle, at a minimum.  
222 D. Internal sidewalks must connect to external sidewalk infrastructure on  
223 adjacent properties.  
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225 4-82.6. Signage.  
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- 227 (1) Signage restrictions. Signage for properties within the SR 80 Overlay District will be  
228 restricted as follows in addition to the criteria established in Section 4-81:  
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- A. Prohibition on pole signs. To maintain and enhances the sense of place and aesthetic/visual quality of the corridor, pole signs will not be permitted. All signs must be ground mounted or monument signs.
- B. Monument sign defined. A monument sign or monument-style sign is a ground sign, the structural base of which is on the ground. The height of the base must not exceed 36 inches above the adjacent ground. The average width of the sign structure must exceed the total height of the sign structure. The width of the top of the sign structure must not exceed 120 percent of the width of the base.

**Section 3. Codification.** This ordinance shall be incorporated into the City of LaBelle Land Development Code. The sections of this Ordinance can be renumbered or re-lettered to the appropriate word or phrase to accomplish codification. Omissions, grammatical, and typographical errors, as well as clarifications of ambiguous wording that do not affect the intent of this Ordinance, may be authorized by the Mayor without need for a public hearing.

**Section 4. Severability.** In the event that any portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions of this Ordinance.

**Section 5. Conflicts.** The provisions of this article shall supersede any provisions of existing ordinances in conflict herewith to the extent of said conflict.

**Section 6. Effective Date.** This Ordinance shall take effect immediately upon its adoption by the City Commission.

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**PASSED AND DULY ADOPTED** this \_\_\_\_ day of \_\_\_\_\_, 2019.

CITY COMMISSION OF THE CITY OF LABELLE,  
FLORIDA

By: \_\_\_\_\_  
David A. Lyons, Mayor

ATTEST:

By: \_\_\_\_\_  
Thomas A. Smith, Clerk-Commissioner

APPROVED AS TO FORM AND  
LEGAL SUFFICIENCY:

By: \_\_\_\_\_  
Derek Rooney, City Attorney

Vote:	AYE	NAY
Mayor Lyons	_____	_____
Commissioner Smith	_____	_____
Commissioner Wilkins	_____	_____
Commissioner Akin	_____	_____
Commissioner Zimmerly	_____	_____