

1
2
3
4
5
6
7
8
9
10
11
12

**ORDINANCE
NUMBER 2019-03**

**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.**

13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32

RECITALS

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

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

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

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

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

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:

33
34
35
36
37
38
39
40
41
42
43
44
45

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:

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

47
48 4-82.1. Purpose and intent. The purpose and intent of the State Road 80 Overlay District
49 code is to:

- 50
51 (1) Guide future growth and redevelopment along SR 80 in a manner that maintains and
52 enhances the sense of place and aesthetic/visual quality of the corridor, makes efficient
53 use of public infrastructure, protects existing neighborhoods, and balances automobile-
54 oriented development patterns with multi-modal transportation choices.
55 (2) Prevent the expansion of a “strip” commercial development pattern, and create a
56 physically attractive, and functionally integrated built environment through cohesive
57 and complimentary site development and design standards provided for herein.

58
59 4-82.2. Applicability.

- 60
61 (1) The State Road 80 Overlay District all property with frontage on the SR 80 right-of-
62 way.
63 (2) Provisions of this subsection shall apply to all development and redevelopment (as
64 defined in 4-80.9.2.) of property with frontage on SR 80.
65 (3) Existing PUDs may voluntarily bring a master concept plan into compliance with the
66 regulations contained in this section administratively. Uses that are prohibited, or
67 subject to special exception approval (in accordance with subsection 4-82.4), and are
68 approved as part of an existing PUD, must comply with this section unless subject to a
69 building permit approval.
70 (4) If a parcel is in one or more overlay districts, the more restrictive overlay standards
71 shall apply.

72
73 4-82.3. Permitted uses. Uses within the State Road 80 Overlay District shall be permitted
74 in accordance with the underlying zoning district, except as provided for herein.

75
76 4-82.3.1. Special exception approval required. The following uses require Special
77 Exception approval:

- 78
79 A. Auto repair
80 B. Animal Sales and Services
81 C. Bus station/depot
82 D. Car washes
83 E. Convenience Stores with Gas Pumps
84 F. Food and Beverage Sales/Establishments: Bars, Night clubs
85 G. Fast Food Restaurants
86 H. Gas stations
87 I. Institutional Housing
88 J. Laboratories
89 K. Maintenance and Repair Services
90 L. Mini-warehouse
91 M. Outdoor Sales Area

- N. Retail Sales/Rental Establishments
- O. Pawnshops
- P. Vehicle/Equipment Sales and Service

4-82.3.2. Approval criteria. The following criteria will be utilized to evaluate special exception requests in the State Road 80 Overlay District in addition to criteria established in Section 4-41:

- A. Consistency with the intent of the State Road 80 Overlay District in protecting and enhancing viewsheds from SR 80 and other public roadways.
- B. The request addresses the balance between auto-oriented design and multi-modal access, particularly pedestrian access, through enhanced design standards.
- C. The site design standards incorporate innovative techniques to address the project's visual impact on the SR 80 corridor and demonstrate enhancements to the minimum standards.
- D. The request demonstrates compliance with the locational criteria set forth in the Comprehensive Plan, relating the siting of intensive uses in areas with direct access to arterials roadways, connection to public utilities and infrastructure, and mitigation of impacts to residential neighborhoods.
- E. Conditions exist which warrant the proposed use, including but not limited to demonstrated market demand and minimum spatial separation of 500 feet from a similar use.
- F. The request will not be injurious to the neighborhood or otherwise detrimental to the public welfare.
- G. The request will be compatible with existing or planned uses.
- H. The request will not cause damage, hazard, nuisance or other detriment to persons or property.
- I. The request will protect, conserve or preserve environmentally critical areas and natural resources.
- J. The request is consistent with the goals, objectives, policies and intent of the LaBelle Comprehensive Plan.
- K. The request is in compliance with all general zoning provisions, supplemental regulations and performance standards pertaining to the use set forth in this chapter.

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

- A. Agricultural uses specified in Section 4-77 (a) and (c)
- B. Contractor, construction, or equipment yard
- C. Manufacturing and Fabrication
- D. Off-site advertising signs
- E. Outdoor storage (principal or accessory use)
- F. Salvage/Junkyards/Recycling
- G. Sanitary land fill

- 138 H. Toxic waste site
- 139 I. Wholesale warehouse, processing or storage establishments
- 140 J. Vehicle/Equipment Sales and Service – Mobile Homes
- 141 K. Uses similar in character to any of the above uses
- 142

143 4-82.4. Development Standards.

144

145 (1) State Road 80 Right-of-Way Buffer. Developments on property included in the overlay

146 must provide the following buffer adjacent to the SR 80 right-of-way:

- 147
- 148 A. Standards. The 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 shrubs to
- 150 form a hedge row. Clustering of trees and plant material is encouraged to
- 151 promote healthy growth of vegetation, screen parking areas from public view,
- 152 and generally uphold the view corridors along SR 80. The buffer must be
- 153 designed in a manner that does not block signage.
- 154 B. Required trees. The required trees and palms shall be clustered in double rows
- 155 with a minimum of three (3) trees per cluster.
 - 156 1) The maximum spacing between canopy trees and/or palm clusters is
 - 157 fifty feet (50').
 - 158 2) Canopy/shade trees shall be planted a minimum of thirty feet (30') on
 - 159 center within a cluster.
 - 160 3) Palms shall be planted in staggered heights, a minimum of three (3)
 - 161 palms per cluster, spaced at a maximum of eight feet (8') on center, with
 - 162 a minimum of three feet (3') in difference in height between each tree.
- 163 C. Height. All canopy trees must be a minimum of twelve feet (12') in height and
- 164 palms a minimum eight feet (8') at the time of installation. Shrubs must be a
- 165 minimum of two feet (2') in height at time of installation.
- 166 D. Required hedges. A hedge row provides a reduction in ambient light from
- 167 parking and drive isles of thee uses along SR 80. The shrubs installed to form a
- 168 hedge row must be planted and be maintained so as to form a 36-inch high
- 169 continuous visual screen within one (1) year after time of planting.
- 170 E. Pedestrian access. The buffer must be designed in a manner that facilitates
- 171 pedestrian access to the development. Where perimeter fences and walls are
- 172 incorporated into the perimeter buffer design of the site, the pedestrian access
- 173 point(s) must be visible from the adjacent rights-of-way.
- 174 F. Building location. Where buildings are located a maximum of twenty-five feet
- 175 (25') from the SR 80 right-of-way line an alternative buffer may be permitted
- 176 through submitting a landscape betterment plan.

177

178 (2) Off-street parking screening. An enhanced right-of-way buffer will be required where

179 off-street parking areas abut SR 80 and exceed one (1) double row of parking, including

180 the drive aisle. The buffer shall meet the minimum requirements of this subsection and

181 Section 40-80.10 with the following changes along the entire length of the landscape

182 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 one hundred lineal feet
- 186 (100').
- 187 C. The hedge row becomes a double staggered row.
- 188 D. Additionally, an undulating berm with a maximum slope of 3:1 a minimum
- 189 average height of two feet (2') shall be constructed.

190
191 4-82.5. Parking and circulation.

192
193 (1) Vehicular interconnections required. Developments are required to provide vehicular,
194 interconnections to the adjacent property, regardless of existing or proposed land use,
195 unless one of the following criteria are met:

- 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 the
- 199 cost of a typical local road section or is above ten percent (10%) of the value of
- 200 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 use.
- 204 E. All developments required to provide interconnections to existing and future
- 205 developments must dedicate sufficient right-of-way or easement for all required
- 206 roads, sidewalks, and bike lanes. Bike lane and sidewalk interconnections must
- 207 be constructed concurrently with the required vehicular interconnection.

208
209
210 (2) Pedestrian interconnections required. Sidewalks and crosswalks must be provided to
211 separate pedestrians from vehicular traffic both internal and external to the site.
212 Pedestrians will only share pavement with vehicular traffic in marked crosswalks.

- 213 A. Sidewalks must be a minimum of five feet wide.
- 214 B. Sidewalks and crosswalks must be provided internal to the site and connect
- 215 pedestrians from parking areas to all principle building(s), including outparcels.
- 216 C. External sidewalk connections must be provided at a ratio of one (1) sidewalk
- 217 for each vehicular entrance to a project. Drive aisles leading to main entrances
- 218 must provide a sidewalk on one (1) side of the drive aisle, at a minimum.
- 219 D. Internal sidewalks must connect to external sidewalk infrastructure on adjacent
- 220 properties.

221
222
223 4-82.6. Signage.

224
225 (1) Signage restrictions. Signage for properties within the SR 80 Overlay District will be
226 restricted as follows in addition to the criteria established in Section 4-81:
227

228
229
230
231
232
233
234
235
236
237
238
239
240
241
242
243
244
245
246
247
248
249
250
251

- 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 freestanding/ground mounted or monument signs.
- B. Height. The maximum height of the freestanding/monument and ground mounted signs are restricted to ten feet (10’).

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.

252
253
254
255
256
257
258
259
260
261
262
263
264
265
266
267
268
269
270
271
272
273
274
275
276
277
278
279
280
281
282
283
284
285

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	_____	_____