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**ORDINANCE
NUMBER 2019-07**

**AN ORDINANCE OF THE CITY OF LABELLE, FLORIDA;
AMENDING CHAPTER 2, LANGUAGE AND
DEFINITIONS, SECTION 2-4, DEFINITION OF TERMS,
CHAPTER 4, SECTION 4-1, DEFINITIONS, SECTION 4-63,
RNU (RESIDENTIAL NEIGHBORHOOD URBAN) ZONE,
SECTION 4-71, DOWNTOWN BUSINESS DISTRICT,
SECTION 4-80, LANDSCAPING, SECTION 4-81, SIGNS,
SECTION 4-85, SUPPLEMENTAL REGULATIONS,
SECTION 4-86, TATTOO REGULATIONS, AND SECTION 4-
108, NONCONFORMING USES OF LAND OR LAND WITH
MINOR STRUCTURES ONLY, SECTION 4-156, AIRPORT
ZONING DEFINITIONS, CHAPTER 5, SECTION 5-1,
DEFINITIONS, CHAPTER 6, SECTION 6-2 NATURAL
RESOURCE MANAGEMENT, OF THE CITY OF LABELLE
LAND DEVELOPMENT CODE, PROVIDING FOR
DEFINITION; PROVIDING FOR CODIFICATION,
SEVERABILITY, CONFLICTS AND AN EFFECTIVE DATE.**

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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 to provide clear and predictable standards for development within the City; and

WHEREAS, the City Commission desires to streamline the Land Development Code to provide information, including defined terms, in a unified section for ease of use by residents and practitioners; and

WHEREAS, the City of LaBelle desires to update regulations pertaining to legal, non-conforming single-family residential uses in commercial zoning districts to uphold the small-town character and charm of the City and recognizing improvement of these properties is in the best interest of the City and property owners; and

WHEREAS, the City of LaBelle desires to update regulations pertaining to the protection of significant oak trees to uphold the City’s vision as “The City Under the Oaks”; and

WHEREAS, the proposed ordinance was properly advertised and has received a public hearing before the Local Planning Agency and City Commission on April 11, 2018 and May 9, 2019; and

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

48
49 **NOW, THEREFORE, BE IT ORDAINED** by the City Commission of the City of
50 LaBelle, Florida:

51
52 **Section 1.** Recitals. The forgoing recitals are hereby ratified and confirmed as
53 being true and correct and hereby made a part of this Ordinance and adopted as legislative findings.

54
55 **Section 2.** Amendment to the City Code. Chapters 2, 4, 5 and 6 of the City of
56 LaBelle Code, Appendix B, Land Development Code, is hereby amended in accordance with
57 Exhibit “A”.

58
59 **Section 3.** Codification. This ordinance shall be incorporated into the City of
60 LaBelle Land Development Code. The sections of this Ordinance can be renumbered or re-lettered
61 to the appropriate word or phrase to accomplish codification. Omissions, grammatical, and
62 typographical errors, as well as clarifications of ambiguous wording that do not affect the intent
63 of this Ordinance, may be authorized by the Mayor without need for a public hearing.

64
65 **Section 4.** Severability. In the event that any portion of this Ordinance is for any
66 reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall
67 be deemed a separate, distinct and independent provision, and such holding shall not affect the
68 validity of the remaining portions of this Ordinance.

69
70 **Section 5.** Conflicts. The provisions of this article shall supersede any provisions
71 of existing ordinances in conflict herewith to the extent of said conflict.

72
73 **Section 6.** Effective Date. This Ordinance shall take effect immediately upon its
74 adoption by the City Commission.

75
76

77 **PASSED AND DULY ADOPTED** this 9th day of May, 2019.

78
79
80 CITY COMMISSION OF THE CITY OF LABELLE,
81 FLORIDA

82
83
84 By: _____
85 David A. Lyons, Mayor

86
87
88 ATTEST:

89
90
91 By: _____
92 Thomas A. Smith, Clerk-Commissioner

93
94
95
96 APPROVED AS TO FORM AND
97 LEGAL SUFFICIENCY:

98
99
100 By: _____
101 Derek Rooney, City Attorney

102	Vote:	AYE	NAY
103			
104			
105	Mayor Lyons	_____	_____
106	Commissioner Smith	_____	_____
107	Commissioner Wilkins	_____	_____
108	Commissioner Akin	_____	_____
109	Commissioner Zimmerly	_____	_____

1 EXHIBIT A

2 THE LABELLE CODE

3 APPENDIX B LAND DEVELOPMENT CODE

4 CHAPTER 2 – LANGUAGE AND DEFINITIONS

5 **Sec. 2-4. - Definition of terms.**

- 6
- 7 (1) Words used in this code shall have their ordinary dictionary meaning unless otherwise
- 8 defined in the code.
- 9 (2) Certain words and terms are specifically defined within the various chapters of this code.
- 10 Such definitions shall supersede the general definition or use of the word or term in this section
- 11 and any other section where the subject is clearly related. Otherwise, generally accepted
- 12 definitions or definitions herein shall prevail.
- 13 (3) For the purposes of this code, the following terms shall have the meanings set forth in this
- 14 section unless otherwise indicated by the context:
- 15

16 Abandoned sign:

- 17 (a) A sign pertaining to or associated with an event, business, or purpose which is no longer
- 18 ongoing and which has been inactive or out of business for a period of one hundred eighty
- 19 (180) consecutive days or longer;
- 20 (b) A sign which contains structural components but no display for a period of one hundred
- 21 eighty (180) consecutive days or longer.
- 22

23 1.—*Abut*: Abut means to physically touch or border upon, or to share a common property line.

24

25 2.—*Abutting property*: Any property that is immediately adjacent to or contiguous to property

26 that may be subject to any regulation under this code or any hearing required to be held under the

27 code, or that is located immediately across any road or public right-of-way from property that may

28 be subject to any regulation or hearing under this code.

29

30 3.—~~*Accessory buildings and uses*: A subordinate building or portion of a main building, the use~~

31 ~~of which is incidental to that of the dominant use of the main building or land, including accessory~~

32 ~~signs, bona fide servants' quarters and greenhouses operated on a nonprofit basis. An accessory~~

33 ~~use is one that is incidental to the main use of the premises.~~

34

35 *Accessory structure, building or use*: a building, structure or use subordinate to the principal

36 building and used for purposes customarily incidental to the main or principal building and located

37 on the same lot or set of attached lots therewith.

38

39 *Accident potential hazard area*: an area within five thousand (5,000) feet of the approach or

40 departure end of a runway or in proximity to an airport in which aircraft may maneuver after

41 takeoff or before landing and are subject to the greatest potential to crash into a structure or the

42 ground.

43

44 Administrative exception: a ruling that would permit a practice that is not consistent with a specific
45 provision of this Code, but that is justified by its intent (See Section 4-71.1.0).

46
47 Administrative review: To hear and decide appeals where it is alleged there is error in any order,
48 requirement, decision, or determination made by the administrative official in the enforcement of
49 this chapter.

50
51 Administration and enforcement. An administrative official designated by the city commission
52 shall administer and enforce zoning. This official may be provided with the assistance of such
53 other persons as the city commission may direct. If the administrative official finds that any of the
54 provisions of this chapter are being violated, he shall notify in writing the person responsible for
55 such violations, indicating the nature of the violation and ordering the action necessary to correct
56 it. He shall order discontinuance of illegal use of land, buildings or structures; removal of illegal
57 buildings or structures or of illegal additions, alterations, or structural changes; discontinuance of
58 any illegal work being done; or shall take any other action authorized by this chapter to ensure
59 compliance with or to prevent violation of its provisions.

60
61 4. Administrator: See: Development administrator.

62
63 Adult (sexually-oriented) business: Any adult bookstore, adult hotel or motel, adult motion picture
64 arcade, adult motion picture theater, cabaret, sexual encounter center, or any other business or
65 establishment that offers its patrons services or entertainment characterized by an emphasis on
66 matter depicting, describing, or relating to specified sexual activities or specified anatomical areas,
67 but not including those uses or activities, the regulation of which is preempted by state law.

68
69 Aggrieved or adversely affected person: Any person or local government which will suffer an
70 adverse effect to an interest protected or furthered by the comprehensive plan, including interests
71 related to health and safety; police and fire protection service systems; densities or intensities of
72 development; transportation facilities; health care facilities, equipment or services; or
73 environmental or natural resources. The alleged adverse interest may be shared in common with
74 other members of the community at large, but shall exceed in degree the general interest in
75 community good shared by all persons.

76
77 Airport or airstrip: Any runway, landing area or other facility designed and used, either publicly
78 or privately, by any person, for the landing and taking off of aircraft, including all necessary
79 taxiways, aircraft storage and tiedown areas, hangars and other necessary buildings and open
80 spaces (See Chapter 4, Article VIII. Airport Zoning).

81
82 Airport elevation: the highest point of the airport's usable land area measured in feet above mean
83 sea level (See Chapter 4, Article VIII. Airport Zoning).

84
85 Airport obstruction: any structure or object of natural growth or use of land which would exceed
86 the federal obstruction standards as contained in 14 C.F.R. § § 77.21, 77.23, 77.25 and 77.28 or
87 which obstructs the airspace required for flight of aircraft in landing and takeoff at an airport or is
88 otherwise hazardous to such landing or takeoff of aircraft (See Chapter 4, Article VIII. Airport
89 Zoning).

90 Airspace height: to determine the height limits in all zones set forth in this article, the datum shall
91 be mean sea level elevation (AMSL) unless otherwise specified (See Chapter 4, Article VIII,
92 Airport Zoning).

93
94 ~~7.~~ Alcoholic beverage establishment: Any establishment devoted primarily to the retail sale of
95 alcoholic beverages for consumption on and/or off the premises (See Code of Ordinances, Chapter
96 3).

97
98 Accessory alcoholic beverage sales (package) means a commercial activity involving the sale of
99 alcoholic beverages for on- or off-premises consumption where alcoholic sales are incidental to
100 the other retail sales commodities.

101 ~~8.~~ Alley: A public or private way which affords only a secondary means of access to property
102 abutting thereon and which is not otherwise designated for general traffic or as a thoroughfare or
103 street.

104
105 ~~9.~~ Alteration: Any change in the arrangement of a building; any work affecting the structural parts
106 of a building; or any change in the wiring, plumbing, or heating or air conditioning systems of a
107 building.

108
109 Amusement facilities: Any indoor or outdoor place that is maintained or operated for the
110 amusement, patronage, or recreation of the public to include any coin-controlled amusement
111 device of any description, such as, but not limited to, baseball, football, pinball amusements, pool
112 tables, miniature golf course, or driving range.

113
114 ~~10.~~ Animal hospital: See: Veterinary clinic or hospital.

115
116 Animated sign: Any sign that uses movement or change of lighting to depict action or create a
117 special effect or scene.

118
119 ~~11.~~ Apartment house: See: Dwelling, multifamily.

120
121 ~~12.~~ Applicant: The record owner of land which is the subject of a request for a change in zoning,
122 a conditional use special exception, a variance a home occupation permit or an appeal, or for
123 approval of a subdivision plat or other land development approval, or the authorized agent of such
124 owner.

125
126 ~~13.~~ Automobile service station: Any building, structure or land used for the dispensing, sale or
127 offering for sale at retail of any automobile fuel, oils or accessories, and in connection with which
128 is performed general automotive servicing, as distinguished from automotive repairs.

129
130 ~~14.~~ Automotive repair: The repair, rebuilding or reconditioning of motor vehicles or parts thereof,
131 including collision service, painting and steam cleaning of vehicles, and wherein an automobile
132 service station may also operate.

133

134 ~~15. Automotive wrecking or salvage yards:~~ The dismantling or wrecking of used motor vehicles,
135 mobile homes or other vehicles, or the storage, sale or dumping of such wrecked or dismantled
136 vehicles or parts.

137
138 Awning: a roofed architectural projection supported entirely from the exterior wall of a building.

139
140 Balcony: a porch connected to a building on upper stories supported by either cantilever or
141 brackets.

142
143 Banner: Any sign of lightweight fabric or similar material that is securely mounted to a pole or a
144 building. National flags, state or municipal flags, or the official flag of any institution or business
145 shall not be considered banners.

146
147 Bar: a commercial enterprise whose primary activity is the sale of alcoholic beverages to be
148 consumed on-premises and in which service of food is only incidental to the consumption of
149 such beverages. Bars include taverns, nightclubs, lounges, private clubs, bottle clubs and similar
150 facilities serving alcoholic liquor and that meet any of the following criteria:

151 (a) The bar service area is in excess of fifteen (15) percent of the gross floor area;

152 (b) The kitchen is less than fifteen (15) percent of the gross floor area;

153 (c) Age verification is requested at admittance;

154 (d) A cover charge is required for admittance, except for special events as permitted
155 through special exception;

156 (e) Less than forty (40) percent of gross revenues are derived from the sale of prepared
157 food;

158 (f) The business remains open and liquor sales continue but the full kitchen closes
159 before 9:00 p.m.

160
161 Beacon: Any light with one (1) or more beams directed into the atmosphere or directed at one (1)
162 or more points not on the same lot as the light source; also, any light with one (1) or more beams
163 that rotate or move.

164
165 Bed and breakfast: an owner-occupied lodging type offering one (1) to five (5) bedrooms,
166 permitted to serve breakfast in the morning to guests.

167
168 ~~16.~~ Block: A block is all that property frontage along one (1) highway lying between the two (2)
169 nearest intersecting or intercepting streets, railroad rights-of-way, waterways, golf courses,
170 campuses, parks or similar open spaces.

171
172 Board: shall mean the city commission of the City of LaBelle, Florida.

173
174 ~~17.~~ Board of adjustment: The city commission of the City of LaBelle serves separately as the City
175 of LaBelle Board of Adjustment and body appointed by the city commission that hears
176 administrative appeals and applications for variances and conditional uses special exceptions,
177 under the provisions of this code. This board consists of five (5) regular members.

178 ~~s18.~~ *Boarding house, rooming house, lodging house or dormitory:* Any building or part thereof,
179 other than a hotel, motel or restaurant, where meals or lodging are provided for a fee for three (3)
180 or more unrelated persons where no cooking or dining facilities are provided individual rooms.
181

182 ~~19.~~ *Boatyard:* A commercial or nonprofit boat basin with facilities for the sale, construction, repair,
183 launching, storing, berthing, securing, fueling or general servicing of marine craft of all types.
184

185 *Body piercing:* for commercial purposes, the act of penetrating the skin to make, generally
186 permanent in nature, a hole, mark, or scar. Body piercing does not include the use of a mechanized,
187 presterilized ear-piercing system that penetrates the out perimeter or lobe of the ear or both. [F.S.
188 § 381.0075(a), as amended]
189

190 ~~20.~~ *Bond:* Any form of security, including cash deposit, instrument of credit, collateral bond, surety
191 or property, in an amount and form satisfactory to and approved by the city commission, used
192 for the following:

193 (a) *Maintenance bond:* Upon issuance of a certificate of completion or when required
194 improvements are installed prior to recording a plat surety must be posted in the
195 amount of twenty-five (25) percent of the professional engineer's estimate of the cost
196 of improvements. The condition of this obligation is that the local government will
197 be protected against any defect caused by faulty materials or workmanship in these
198 improvements for a period of two (2) years.

199 (b) *Performance bond:* When required improvements are installed after recording a plat,
200 surety must be posted in the amount of one hundred twenty-five (125) percent of the
201 engineer's or building and zoning official's estimate of completion costs, including
202 landfill, to ensure completion.
203

204 ~~21.~~ *Borrow pit:* An excavation from which natural materials are removed for use elsewhere,
205 leaving a hole (pit).
206

207 ~~22.~~ *Boundaries:* Where a map is incorporated into this code and used in connection with its
208 administration, boundaries on such map which are shown as following or approximately
209 following a street, utility line, railroad, river or stream, or other similar linear feature shall be
210 construed as following the centerline of that feature. Boundaries which are shown as following
211 or approximately following any platted lot line or other property line, or a section line, half-
212 section line, or quarter-section line shall be construed as following such line.
213

214 ~~23.~~ *Buffering:* See: Screening.
215

216 *Buffer yard:* The required installation of landscaping and screening materials between zoning
217 districts.
218

219 *Buildable area:* The portion of a lot remaining after required yards have been provided.
220

221 ~~24.~~ *Building:* Any structure designed or built for support, enclosure, shelter or protection of
222 persons, animals, chattels or property of any kind. "Building" shall include "structure." Any
223 structure constructed or used for a residence, business, industry or other private or public purposes,

224 including structures that are accessory to such uses, provided such structures are in compliance
225 with the City of LaBelle building code.

226
227 ~~25. Building and zoning official:~~ The City of LaBelle building and zoning official or his designated
228 agent or employee. (See: Zoning official.)

229
230 ~~26. Building coverage:~~ See: Lot coverage.

231
232 Building frontage: the vertical side of a building which faces the primary space or street and is
233 built to the build-to-line for the purposes of the DBD zoning district only (See 4-71.0).

234
235 ~~27. Building height:~~ The vertical distance from the averaged finished grade of all exterior corners
236 of finished floors to the highest point of the building, less those structures permitted to extend
237 beyond the height of the building. (See: Supplemental Regulations for exemptions to height
238 regulations – Sec. 4-85.6)

239
240 ~~28. Building line:~~ See: Yard.

241
242 Building marker: Any sign indicating the name of a building, date, and/or incidental information
243 about its construction, which sign is cut into a masonry surface or on a permanent placard placed
244 flush against a building face.

245
246 ~~29. Building permit:~~ A permit authorizing the actual erection of a building or structure or
247 component thereof pursuant to Chapter 4 on zoning. A building permit is a "development
248 permit" as defined below.

249
250 ~~30. Building, principal:~~ A building in which is conducted the main or principal use of the lot or
251 parcel on which said building is situated.

252
253 ~~31. Building setback line:~~ The minimum horizontal distance between the front, rear or side lines
254 of the lot and the front, rear or side lines of the building. When two (2) or more lots under one
255 (1) ownership are used, the exterior property lines so grouped shall be used in determining
256 building setback when the interior common lot line is straddled by the principal structure.

257
258 Building sign: Any sign attached to any part of a building, as contrasted to a freestanding sign.

259
260 Build-to-line: a line parallel to the property line, along which a building shall be built (See
261 Downtown Business District Sec. 4-71.0).

262
263 ~~32. Bulkhead:~~ A structure separating land and water areas, primarily designed to resist earth
264 pressures.

265
266 Caliper: The diameter of a tree, measured twelve (12) inches above the soil line.

267

268 Canopy sign: Any sign that is a part of or attached to an awning, canopy, or other fabric, plastic,
269 or structural protective cover over a door, entrance, window, or outdoor service area. A marquee
270 is not a canopy.

271
272 ~~33.~~ *Car wash:* An area or land or a structure with machine- or hand-operated facilities, used
273 principally for the cleaning, washing, polishing, or waxing of motor vehicles.

274
275 ~~34.~~ *Cemetery:* Land used or intended to be used for the burial of the animal dead or human dead
276 and dedicated for cemetery purposes, including crematories, mausoleums and mortuaries, if
277 operated in connection with and within the boundaries of such cemetery.

278
279 ~~35.~~ *Centerline, street:* A line running parallel with the right-of-way of a highway, which is half
280 the distance between the extreme edges of the official right-of-way width.

281
282 ~~36.~~ *Certificate of **completion occupancy**:* The certificate issued by the building and zoning official
283 subsequent to final inspection indicating that all improvements have been completed in
284 conformity with the requirements of all building codes. This code or the subdivision
285 regulations and the approved constructions plans and specifications.

286
287 ~~37.~~ *Certificate of ownership:* An opinion of title issued by a title company or licensed attorney
288 based upon an examination of an abstract of title of official city records, stating and certifying
289 to the city commission that the applicant is the owner in fee simple of the subject tract. The
290 certificate shall also state the names and nature of all mortgages, liens or encumbrances against
291 the title to said tract, if any.

292
293 ~~38.~~ *Certified survey:* A survey, sketch, plan, map or other exhibit containing a sworn, written
294 statement regarding its accuracy or conformity to specified standards certified and signed by the
295 registered surveyor under whose supervision said survey was prepared.

296
297 *Changeable copy sign:* A sign or portion thereof with characters, letters, or illustrations that
298 can be changed or rearranged without altering the face or the surface of the sign. A sign on which
299 the message changes more than eight (8) times per day shall be considered an animated sign and
300 not a changeable copy sign for purposes of this chapter. A sign on which the only copy that changes
301 is an electronic or mechanical indication of time or temperature shall be considered a "time and
302 temperature" portion of a sign and not a changeable copy sign for purposes of this ordinance.

303
304 ~~39.~~ *Change of occupancy:* Discontinuance of an existing use and the substitution of a different
305 kind or class of use.

306
307 ~~40.~~ *Channel:* A natural or artificial watercourse of perceptible extent with bed and banks to confine
308 and to conduct continuously or periodically flowing water.

309
310 ~~41.~~ *Child care center:* Any establishment which provides care for more than five (5) children
311 unrelated to the operator for a payment, fee or grant for any of the children receiving care, wherever
312 operated and whether or not operated for profit, including day nurseries, day care services and
313 agencies, but not community-based residential facilities or social services.

314 ~~42.~~ *Church*: A building used for nonprofit purposes by a recognized or established religion as its
315 place of worship, including a residential area for the pastor or minister of a sect.

316
317 *CIE*: The capital improvements element of the comprehensive plan.

318
319 *City*: The City of LaBelle, a political subdivision of the State of Florida.

320
321 *Civic*: the term defining not-for-profit organizations dedicated to arts, culture, education,
322 recreation, government, transit, and municipal parking.

323
324 *Civic building*: a building operated by not-for-profit organizations dedicated to arts, culture,
325 education, recreation, government, transit, and municipal parking, or for use approved by the
326 legislative body.

327
328 *Civic space*: an outdoor area dedicated for public use. Civic space types are defined by the
329 combination of certain physical constants including the relationships among their intended use,
330 their size, their landscaping and their enfronting buildings.

331
332 *Clear zone*: an area beyond the curb radius, so specified, which shall be kept clear of all objects to
333 provide emergency vehicle clearance.

334
335 *Clear trunk*: An industry term referring to that portion of the trunk maintained free of any branches.
336 The clear trunk is the lower portion of the trunk measured from the soil line up to the first major
337 branch.

338
339 ~~43.~~ *Clerk*: The City Clerk of the City of LaBelle.

340
341 ~~44.~~ *Clinic*: See: Outpatient care facilities.

342
343 *Clubs/lodges*: An organization and its premises, catering exclusively to members and their guests
344 for social, intellectual, recreational, or athletic purposes that are conducted for profit; includes
345 lodges.

346
347 *Clump*: Where three (3) or more young trees have been planted in a group and have grown together
348 as a single tree having three (3) or more main stems or trunks.

349
350 *Collector street*: A street which carries traffic from minor streets to thoroughfares, including the
351 principal entrance streets of a residential development and street's circulation within such
352 development.

353
354 *Colonnade or arcade*: a covered, open-air walkway at standard sidewalk level attached to or
355 integral with the building frontage; overhead structure is supported architecturally by columns or
356 arches along the sidewalk.

357
358 *Commercial message*: Any sign wording, logo, or other representation that, directly or indirectly,
359 names, advertises, or calls attention to a business, product, service, or other commercial activity.

360 Cornice: the uppermost section of moldings along the top of a wall or just below a roof.

361

362 CMS: The City of LaBelle Concurrency Management System.

363

364 45. *Community-based residential facilities:* The following uses:

365 (a) *Emergency shelter:* Any residence, dwelling, building or other place providing
366 room and board and protection, counseling or preplacement screening for three (3)
367 or more abused adults, children or similar persons not related to the owner by law,
368 blood, marriage or adoption, with the average stay per person less than thirty (30)
369 days and provided that such services shall not include intensive treatment or therapy.
370 For the purposes of this code, the term "emergency shelter" shall not be deemed to
371 include group care homes, family care homes, residential treatment facilities, or
372 recovery homes.

373 (b) *Emergency home shelter:* Any dwelling providing room and board and protection,
374 preplacement screening or counseling for one (1) or two (2) abused children, abused
375 adults or similar persons not related to the owner of the premises by law, blood,
376 marriage or adoption, for a period not to exceed an average stay of thirty (30) days
377 per person, but such services shall not include either intensive treatment or therapy.
378 For the purposes of this code, the term "emergency shelter home" shall not be deemed
379 to include group care homes, family care homes, residential treatment facilities, or
380 recovery homes.

381 (c) *Family care home:* Any dwelling occupied by six (6) or fewer persons, including
382 staff, whether operated for profit or not, which provides for a period exceeding
383 twenty-four (24) hours, one (1) or more personal services for persons who require
384 such services not related to the owner or administrator by law, blood, marriage or
385 adoption, and not in foster care. The personal services, in addition to housing and
386 food services, may include but not be limited to personal assistance with bathing,
387 dressing, housekeeping, adult supervision, emotional security and other related
388 services, but not including medical services.
389 For the purposes of this code, the term "family care homes" shall not be deemed to
390 include rooming or boarding homes, fraternities, sororities, clubs, monasteries or
391 convents, hotels, emergency shelters, residential treatment facilities, recovery homes
392 or nursing homes.

393 (d) *Group care home:* Any dwelling, building or other place occupied by seven (7) or
394 more persons, including staff, whether operated for profit or not, which provides for
395 a period exceeding twenty-four (24) hours one (1) or more personal services for
396 persons unrelated to the owner or administrator by law, blood, marriage or adoption,
397 and not in foster care, who require such services. The personal services, in addition
398 to food and housing services may include personal assistance with bathing, dressing,
399 housekeeping, adult supervision, emotional security and other related services, but
400 not including medical services.

401 For the purposes of this code, group care homes shall not be deemed to include
402 rooming or boarding homes, fraternities, sororities, clubs, monasteries or convents,
403 hotels, emergency shelters, residential treatment facilities, recovery homes or nursing
404 homes.

- 405 (e) *Recovery home*: A group residential facility with one (1) or more supervisors living
 406 on-premises conducted as a family home with professional staff services as needed
 407 providing board, lodging, supervision, medication and other treatment and
 408 counseling for persons progressing from relatively intensive treatment for crime,
 409 mental or emotional illness, delinquency, alcoholism, drug addiction or similar
 410 conditions in need of a structured environment to deal with such conditions.
 411 For the purposes of this code, a recovery home shall not be deemed to include a
 412 residential treatment facility, group care home, family care home, nursing home,
 413 hospital, emergency shelter or emergency shelter home.
- 414 (f) *Residential treatment facility*: Any residential establishment, other than a hospital
 415 or nursing home, providing relatively intensive diagnostic or therapeutic services for
 416 its residents for alcoholism, drug abuse, mental illness, emotional problems,
 417 developmental disabilities or similar conditions.
 418 For the purposes of this code, a residential treatment facility shall not be deemed to
 419 include a nursing home, hospital, group care home, family care home or emergency
 420 shelter but it may have a recovery home component or outpatients.
 421
- 422 ~~46. Comprehensive plan or plan~~: The City of LaBelle Comprehensive Plan, which was adopted
 423 by ordinance pursuant to Chapter 163, Florida Statutes, and, as amended, serves as the legal
 424 guideline for the future development of property in the City of LaBelle.
 425
- 426 ~~47. Conditional use~~: A use that would not be appropriate generally or without restriction
 427 throughout the particular zoning district or classification in which it is to be located, but which
 428 if controlled as to number, area, location or relation to the neighborhood, would not adversely
 429 affect the public health, safety, comfort, good order, appearance, convenience, morals and
 430 general welfare. Conditional uses may only be permitted in the zoning districts or
 431 classifications specifically provided for in Chapter 4 and only under the standards and
 432 regulations contained therein.
 433
- 434 ~~48. Congregate living facility (adult)~~: Any institution, building or buildings, residence, private
 435 home, boarding home, home for the aged or other place, whether operated for profit or not,
 436 which undertakes through its ownership or management to provide for a period exceeding
 437 twenty-four (24) hours one (1) or more personal services for four (4) or more adults who
 438 require such services not related to the owner or administrator by blood or marriage. The term
 439 "personal services" means service in addition to housing and food service, and includes but is
 440 not limited to personal assistance with bathing, eating, dressing, housekeeping, supervision of
 441 self-administered medicines and assistance with securing health care from appropriate
 442 sources.
 443
- 444 ~~49. Construction permit~~: The permit to begin construction of improvements according to the
 445 construction plans and specifications approved by the local government.
 446
- 447 ~~50. Construction plans and specifications~~: The engineering or architectural drawings,
 448 specifications, tests and data necessary to show plans for construction of the proposed
 449 improvements required by subdivision and site plan requirements in this code in sufficient
 450 detail to permit evaluation of the proposals.

451 ~~51. *Convalescent home*: See: Congregate living facility, adult.~~

452

453 ~~52. *Convenience store*: A building or portion of a building occupied by an establishment primarily~~
454 ~~engaged in retail sales of new merchandise and goods in less than bulk quantities directly to~~
455 ~~ultimate consumers on the premises and not for resale, and further characterized by the~~
456 ~~stocking and retail sale of merchandise, goods and items which are fairly inexpensive and~~
457 ~~which are purchased by the consumer on a frequent and often a daily basis.~~

458

459 *Cosmetic tattooing*: also called permanent makeup. See definition of tattoo/tattoo art.

460

461 ~~53. *City commission*: The board of city commissioners of the City of LaBelle, Florida, or its~~
462 ~~appointed officials. Other city constitutional officers are referred to by title. The word "city" refers~~
463 ~~to the incorporated areas of the City of LaBelle, Florida, and any other areas in the City of LaBelle~~
464 ~~subject to these regulations.~~

465

466 *Crosswalk*: A right-of-way within a block dedicated to public use, intended primarily for
467 pedestrian use, from which motor vehicles are excluded from standing or parking, and which is
468 designed to provide access to adjacent roads, lots, or public use areas.

469

470 *Cul-de-sac*: A minor street with only one (1) outlet terminating at one (1) end with a circular
471 turnaround.

472

473 *Cultural institution*: A library, museum, or similar public or quasipublic use displaying,
474 preserving, and exhibiting objects of community and cultural interest in one (1) or more of the arts
475 or sciences.

476

477 *Decision height*: the height at which a decision must be made, during an ILS instrument approach,
478 to either continue the approach or to execute a missed approach (See Chapter 4, Article VIII.
479 Airport Zoning).

480

481 ~~54. *Dedication*: The deliberate transfer of land by its owner for any general or public use, usually~~
482 ~~with an eventual view toward transfer of ownership and management to the city.~~

483

484 ~~55. *Density*: The number of residential dwelling units permitted per gross acre of land including~~
485 ~~preserved wetlands and exclusive of dedicated public rights-of-way, canals, drainage ditches,~~
486 ~~lakes and rivers.~~

487

488 ~~56. *Development*: The carrying out of any building or mining operation or the making of any~~
489 ~~material change in the use or appearance of any land or structure, and the dividing of land into~~
490 ~~two (2) or more parcels.~~

491 ~~(a) The following activities or uses shall be taken for the purposes of this code to involve~~
492 ~~development, as defined in this section:~~

493 ~~(i) A reconstruction or alteration of the size or material change in the external appearance~~
494 ~~of a structure on land.~~

- 495 (ii) A change in the intensity of use of land such as an increase in the number of dwelling
496 units in a structure or on land or a material increase in the number of businesses,
497 manufacturing establishments or offices in a structure or on land.
498 (iii) Alteration of a shore or bank of a seacoast, river, stream, lake, pond or canal, including
499 any coastal construction, as defined in Florida Statutes Section 161.021.
500 (iv) Commencement of drilling, mining or excavation on a parcel of land, including
501 excavation for or installation of a septic tank or other utilities, except to obtain soil
502 samples or to drill individual water supply and irrigation wells.
503 (v) Demolition of a structure.
504 (vi) Clearing of land as an adjunct of construction.
505 (vii) Deposit of refuse, solid or liquid waste or fill on land.
506 (b) The following operations or uses shall not be taken for the purposes of this code to
507 involve development as defined in this section:
508 (i) Work by a highway or road agency or railroad company for the maintenance or
509 improvement of a road or railroad track carried out on land within the boundaries of
510 the right-of-way.
511 (ii) Work by a utility or other person engaged in the distribution or transmission of gas
512 or water for the purpose of inspecting, repairing, renewing or constructing on
513 established rights-of-way any sewers, mains, pipes, cables, utility tunnels, power lines,
514 towers, poles, tracks or the like.
515 (iii) Work for the maintenance, renewal, improvement or alteration of any structure, if
516 the work affects only the interior or the color of the structure or the decoration of the
517 exterior of the structure.
518 (iv) The use of any structure or land devoted to dwelling uses for any purpose
519 customarily incidental to enjoyment of the dwelling.
520 (v) A change in the ownership or form of ownership of any parcel or structure.
521 (vi) The creation or termination of rights of access, easements, riparian rights, covenants
522 concerning development of land or any other rights in land.
523 (c) Development, as designated in this code, includes all other development
524 customarily associated with it, unless otherwise specified. When appropriate to the
525 context, development refers to the act of developing or to the result of development.
526 Reference to any specific operation is not intended to mean that the operation or
527 activity, when part of other operations or activities, is not development.
528

529 ~~57.~~ *Development administrator:* The city employee who is designated by the city and with the
530 approval of the city commission as the official responsible for the administration of this code.
531

532 ~~58.~~ *Development agreement:* An agreement entered into between the city and a developer
533 specifying certain of the terms and conditions under which the development will proceed and
534 be executed pursuant to the provisions of Chapter 6.
535

536 ~~59.~~ *Development approval:* See: Preliminary development approval.
537

538 *Development area:* All areas disturbed during construction.
539

540 ~~60.~~ *Development order:* See: Final development order.

541 ~~61.~~ *Development permit*: Any permit which grants the formal permission to alter, fill, grade,
542 excavate, raze, move, remove, clear land, remove trees, or otherwise develop land or construct
543 or erect structures within the City of LaBelle.
544

545 ~~62.~~ *Development rights*: The number of residential dwelling units or the amount of commercial or
546 industrial square footage which may be constructed on a particular parcel or lot as specified in the
547 zoning district regulations.
548

549 ~~63.~~ *Development stage*: A specified portion of a development that may be developed as an
550 independent, freestanding entity with road access, drainage and utilities and other improvements
551 required for a preliminary plat or site plan, whichever is applicable.
552

553 *Developer* shall have the same meaning as defined in F.S. (2005) § 163.3164.
554

555 *Diameter at breast height (DBH)*: The diameter of a tree trunk in inches measured at four and one-
556 half (4½) feet above the ground.
557

558 *Direct lighting*: Internally illuminated by lights projected through a transparent or translucent sign
559 surface.
560

561 *Directional/informational sign*: An incidental sign designed to guide or direct pedestrian or
562 vehicular traffic, to specify procedures, or to warn of hazards. Directional/informational signs may
563 contain a company name or logo, if such name or logo enhances the directional/informational
564 message of the sign.
565

566 *DRC*: The Downtown Review Committee as established in Section 4-71.2.0 of this code.
567

568 *Drip line*: An imaginary line extending from the average external boundary of a tree's canopy to
569 the ground.
570

571 *Drive-in restaurant or refreshment stand* shall mean any place or premises used for sale,
572 dispensing, or serving of food, refreshments, or beverages in automobiles, including those
573 establishments where customers may serve themselves and may eat or drink the food,
574 refreshments, or beverages on the premises.
575

576 ~~64.~~ *Due public notice*: See: section 3-2.
577

578 ~~65.~~ *Dwelling*: Any building or portion thereof, including modular factory-built homes, which is
579 designated for or used for residential purposes but not including a trailer coach or converted
580 trailer, hotel, motel, lodging house or boarding house. Mobile homes are regulated separately
581 from other single-family dwellings concerning the provisions of section 3-5, section 5-11, and
582 Article III of Chapter 5 of this code.
583

584 ~~66.~~ *Dwelling, multifamily*: A residential building designed for or occupied ~~exclusively by~~
585 containing three (3) or more dwelling units families, with the number of families in residence
586 not exceeding the number of dwelling units provided.

587 ~~67.~~ *Dwelling, single-family*: A private residential building used or intended to be used as a home
588 or residence in which the use and management of all sleeping quarters and appliances for
589 sanitation, cooking, heating, ventilation, and lighting are designed primarily for the use of one (1)
590 family unit, and with partitioning so that any substantial interior portion of the dwelling may be
591 reached without resort to exterior access, and so that the building has one (1) kitchen and one (1)
592 electrical meter. As used in section 3-4, section 5-11 and Article III of Chapter 5 of this Code,
593 "single-family dwelling" does not include any "mobile home" as defined in this section.
594

595 ~~68.~~ *Dwelling, two-family (duplex)*: A residential building designed for or occupied by two (2)
596 families, with the number of families in residence not exceeding the number of dwelling units
597 provided.
598

599 ~~69.~~ *Easement*: A grant from a property owner for the use of land for a specific purpose or purposes
600 by the general public, by a corporation or by a certain person or persons.
601

602 ~~70.~~ *Eating and drinking establishments*: A building, or portion of a building, occupied by an
603 establishment in which a person or persons practice a vocation that performs a type of labor, act
604 or work that primarily results in the preparation and retail sale of food or beverages directly to the
605 ultimate consumer on the premises and not for resale.

606 (a) *Restaurant*: An eating and drinking establishment designed to serve primarily walk-
607 in or pedestrian-oriented customers. Such establishments normally contain a
608 considerable amount of indoor eating space and tables and specialize in foods and/or
609 beverages that are consumed on the premises within the principal building itself.
610 While automobile off-street parking space is normally included on the premises, it
611 does not constitute a major service factor in the function of the establishment.

612 (b) *Drive-in restaurant*: An eating and drinking establishment designed primarily to
613 provide for the quick, efficient and convenient ordering and dispensing of food and
614 beverages to automobile-oriented customers. Such establishments normally contain
615 little indoor eating space and few tables and normally specialize in carry-out
616 purchases often consumed outdoors on the premises, within automobiles or off the
617 premises entirely. Off-street parking and automobile access to the premises normally
618 constitute a major service factor in the function of the establishment.
619

620 ~~71.~~ *Emergency shelter*: See: Community-based residential facilities.
621

622 ~~72.~~ *Emergency shelter homes*: See: Community-based residential facilities.
623

624 *Engineer*: A professional engineer registered, certified and licensed to practice in the State of
625 Florida.
626

627 ~~73.~~ *Exception, special*: See: Conditional use.
628

629 *Expression line*: horizontal building lines incorporated between the base, middle or top of the façade
630 for the major part of the width of a façade, expressed by a variation in material or by a limited
631 projection such as a molding or balcony.
632

633 Façade: the exterior wall of a building that is set along a build-to-line.
634

635 ~~74.~~ *Family:* One (1) or more persons, related by blood, adoption or marriage, living together as a
636 single housekeeping unit. A number of persons not exceeding two (2) living together as a single
637 housekeeping unit, though not related by blood, adoption or marriage, shall also be deemed to
638 constitute a family, in addition to persons who are parents of a child in common regardless of
639 whether they have been married.
640

641 ~~75.~~ *Family care home:* See: Community-based residential facilities.
642

643 * FDOT: The Florida Department of Transportation.
644

645 ~~76.~~ *Filling station:* See also: *Automobile service station.*
646

647 ~~77.~~ *Final development order:* An order issued by the development administrator following
648 preliminary development approval as set forth in this code and which authorizes a specific land use
649 or land development activity, and further authorizes the issuance of the necessary development
650 permits.
651

652 Flag: Any fabric, banner, or bunting containing distinctive colors, patterns, or symbols, used as a
653 symbol of a government, political subdivision, or other entity.
654

655 ~~78.~~ *Flood:* A temporary rise in the level of a body of water inundating areas not ordinarily so
656 covered.
657

658 ~~79.~~ *Flood frequency:* The statistically determined average for how often a specific flood level or
659 discharge may be equaled or exceeded.
660

661 ~~80.~~ *Floodway:* The channel of a watercourse and the portions of the areas not ordinarily so covered.
662

663 ~~81.~~ *Floor area:* The sum of the gross horizontal areas of one (1) or more floors of a building
664 measured from the exterior faces of exterior walls or from the center line of the wall separating
665 two (2) attached buildings.
666

667 ~~82.~~ *Foster home:* Any establishment that provides care for fewer than five (5) children unrelated
668 to the operator for a payment, fee or grant for any of the children receiving care, whether
669 operated for profit or not.
670

671 Freestanding/monument sign: Any sign supported by structures or supports that is placed on or
672 anchored in the ground, and that is independent from any building or other structure.
673

674 Front porch: a roofed area, attached at the ground floor level or first floor level, and to the building
675 frontage.
676

677 Frontage: the area between a building façade and the vehicular lanes, inclusive of its built and
678 planted components.

679 Frontage percentage: the percentage of the width of a lot that is required to be occupied by the
680 building's façade and within the setbacks established by the build-to-line.

681
682 ~~83. *Garage, apartment: An accessory or subordinate building, designed and intended to be used*~~
683 ~~*for the housing of vehicles belonging to the occupants of an apartment building on the same*~~
684 ~~*property.*~~

685
686 84. *Garage apartment: An accessory or subordinate building not a part of or attached to the main*
687 *building, containing living facilities for not more than one (1) family, the living facilities of*
688 *which shall not occupy more than fifty (50) percent of the total floor area of the building.*

689
690 85. *Garage, private: An accessory building or a portion of the principal building, used for storage*
691 *of automobiles of the occupants of the principal building. A carport is a private garage.*

692
693 86. *Garage, repair: See: Automotive repair.*

694
695 87. *Garage storage: A building or portion thereof designed or used exclusively for the storage or*
696 *parking of automobiles; services other than storage at such storage garage shall be limited to*
697 *refueling, lubrication, washing, waxing and polishing.*

698
699 88. *Garden apartment: See: Dwelling, multifamily.*

700
701 *Garden wall: a freestanding wall along the property line dividing private areas from streets,*
702 *alleys, and or adjacent lots.*

703
704 89. *Grade: The finished elevation of a site after all fill, land balancing or site preparation has been*
705 *completed.*

706
707 *Groundcover: A plant growing less than two (2) feet in height at maturity that is used for*
708 *ornamental purposes, alternatives to turf grasses and erosion control on slopes.*

709
710 *Ground mounted sign: A freestanding sign where the base of the sign structure is on the ground or*
711 *a maximum of twenty-four (24) inches above the adjacent ground.*

712
713 *Ground Mounted Solar Energy System — An SES that is structurally mounted to the ground and*
714 *is not roof-mounted; may be of any size (Level 1, 2, or 3).*

715
716 90. *Group care home: See: Community-based residential facilities.*

717
718 91. *Guardhouse: See: Supplemental regulations.*

719
720 92. *Guest cottage: Living quarters within a detached accessory building located on the same lot*
721 *or parcel as the main building, used exclusively for housing members of the family occupying*
722 *the main building and their nonpaying guests. Such quarters shall not be rented or otherwise*
723 *used as a separate dwelling.*

724 Guest tattoo artist: a person who is licensed, registered or certified to practice tattooing in a
725 jurisdiction outside of Florida who is registered with the Florida State Department of Health to
726 practice tattooing in this state. A guest artist registration is not transferable and is valid for fourteen
727 (14) days. [F.S. § 381.00791(3), as amended]

728
729 93. *Handicap requirements:* Design criteria that respond to the special needs of the handicapped,
730 as specified in the most recently published federal and state guidelines **pursuant to the**
731 **Americans with Disabilities Act (ADA).**

732
733 Hazardous substance: any hazardous or toxic substance (including degradation and interaction
734 products) which, because of quality, concentration, or physical, chemical (including ignitability,
735 corrosivity, reactivity, and toxicity), and/or infectious characteristics, radioactivity,
736 mutagenicity, carcinogenicity, teratogenicity, bioaccumulative effect, persistence
737 (nondegradability) in nature, or any other characteristic relevant to a particular material that may
738 cause significant harm to human health or the environment (including surface and ground water,
739 plants, or animals).

740
741 Health department: The State of Florida, Department of Health and Rehabilitative Services as
742 applicable, in accordance with the Florida Statutes.

743
744 Height: the vertical distance measured from the average finished grade at the base of a structure to
745 the midpoint of the roof. Height measurement for signs, fences, walls or other applicable vertical
746 elements shall be measured from the average grade at the base of a structure to the top of the
747 structure.

748
749 94. *Height of buildings:* See: Building height.

750
751 Historic property: any prehistoric or historic district site, building, object or other real or personal
752 property of historical, architectural, or archaeological values, and folklife resources (F.S. §
753 267.021(3)).

754
755 95. *Historic structure:* A structure, portion of a structure, site, or archaeological location which is
756 identified on the National Register of Historic Places maintained by the United States
757 Department of the Interior, which is identified on the Florida Master Site File maintained by
758 the Florida Department of State, or which would qualify for inclusion on either list.

759
760 96. *Home occupation:* Any use conducted entirely within a dwelling and carried on by an occupant
761 thereof that is clearly incidental and secondary to the use of the dwelling for dwelling purposes
762 and does not change the character thereof. Home occupations shall not be construed to include
763 barbershops, beauty parlors, tearooms, restaurants, real estate offices, food processing
764 establishments, antique stores, commercial kennels, professional offices or insurance offices.

765
766 97. *Hospital:* Any institution, including a sanitarium, which maintains and operates facilities for
767 overnight care and treatment of two (2) or more unrelated persons as patients suffering mental
768 or physical ailments, but not including any dispensary of first aid treatment facilities

769 maintained by a commercial or industrial plant, educational institution, convent or
770 convalescent home.

771
772 Hostel: A place where travelers may stay for a limited duration, as recognized by the International
773 Hostel Association.

774
775 98. *Hotel, motel, motor lodge or tourist court:* A building licensed by the Florida Department of
776 Business Regulation containing individual guest rooms for which daily or weekly lodging is
777 provided as the transient residence (even for extended periods) of individuals.

778
779 99. *House trailer:* See: Mobile home.

780
781 IFAS: Institute of Food and Agricultural Sciences.

782
783 100. *Impervious surface coverage:* See: Lot coverage.

784
785 Illegal: For the purposes of this code, illegal shall mean any use, operation, or activity contrary to
786 or forbidden by this code.

787
788 Incidental sign: A sign, generally informational, that has a purpose secondary to the use of the lot
789 on which it is located, such as "no parking", "entrance", "loading only", "telephone", and other
790 similar directives. No sign with a commercial message legible from a position off the lot on which
791 the sign is located shall be considered incidental.

792
793 Indirect lighting: Illuminated by a light source that is located externally to the sign surface. This
794 method of lighting may include, but is not limited to, spotlighting or backlighting.

795
796 Inn: a lodging type, owner-occupied, offering six (6) to twelve (12) guest rooms for compensation,
797 permitted to serve breakfast in the mornings to guests.

798
799 101. *Junk:* Inoperative, dilapidated, abandoned or wrecked materials including but not limited to
800 automobiles, trucks, tractors, wagons, boats and other kinds of vehicles and parts thereof, scrap
801 builders' materials, scrap contractors' equipment, tanks, casks, cans, barrels, boxes, drums, piping,
802 bottles, glass, old iron, machinery and the like.

803
804 102. *Junkyard:* A place where junk, waste or discarded or salvaged materials are brought, sold,
805 exchanged, stored, baled, packed, disassembled or handled. Junkyards shall include automobile
806 wrecking, house wrecking, and structural steel material and equipment yards, but shall not include
807 places for the purchase or storage of used furniture and household equipment, used cars in operator
808 condition or used or salvaged materials for manufacturing. (See also: Automotive wrecking and
809 salvage yards.)

810
811 103. *Kennel, pet:* The keeping of any number of pets for sale or for breeding, boarding or treatment
812 purposes, including a veterinary clinic, animal grooming or pet shop.

813

814 104. *Land development or Land use activity*: This definition will cover clearing, tree cutting,
815 filling, etc. plus activities not normally requiring structural or physical changes to the land.

816
817 105. *Land development code*: For purposes of this code, "land development regulations" or
818 "regulations for the development of land" include any local government regulation concerning
819 zoning, building and construction, subdivision of land or other regulations controlling the
820 development of land. Some of these types of local government regulations controlling the
821 development of land within a jurisdiction may be and have been combined into a single document
822 known as the "Land Development Code." The term refers to individual provisions herein as well
823 as the document as a whole.

824
825 *Landscape architect*: A landscape architect licensed by the State of Florida.

826
827 *Land surveyor or surveyor*: A land surveyor registered and licensed under Florida Statutes
828 Chapter 472 who is in good standing with the state board of examiners.

829
830 *Landscape planting area*: An area that accommodates the installation of trees, shrubs, ground
831 cover and turf grasses, consistent with the standards of section 4-80.

832
833 106. *Landscaping*: The process or product of installing plants for purposes of screening or softening
834 the appearance of a site, including grading and installation of plant materials.

835
836 107. *Laundry, self-service*: A business that provides home-type clothes washing and drying or
837 ironing machines for hire to be used by customers on the premises.

838
839 *LED*: A sign which is formed by the configuration of light emitting diodes.

840
841 *Liner building*: a building specifically designed to mask a parking lot, parking structure or large
842 expanses of blank wall area in order to face the street space with a façade that has doors and
843 windows opening onto the sidewalk.

844
845 108. *Liquor store*: An alcoholic beverage establishment that does not sell beverages for on-
846 premises consumption. This shall not be interpreted to include establishments primarily
847 engaged in selling prepared foods or drinks for consumption on the premises or retail sales
848 establishments wherein the sale of alcoholic beverages for consumption off-site is clearly
849 incidental to other retail sales commodities.

850
851 109. *Live entertainment establishment*: This includes establishments that have singers, pianists,
852 musicians, musical groups, bands, vocal or instrumental performers, dancers, theatrical shows,
853 magicians, comedians and all fashion, form and media of live entertainment carried on and
854 conducted in the presence of and for the entertainment of others, to be distinguished from
855 records, tapes, pictures and other forms of reproduced or transmitted entertainment.

856
857 *Live/work unit*: a mixed-use unit, consisting of a commercial and residential use. It is intended to
858 be occupied by a business operator who lives in the same structure that contains the commercial
859 activity.

- 860 440. *Living area*: The minimum floor area of a residential dwelling unit (as measured by its
861 exterior dimensions) having access from within the main living area, exclusive of carports,
862 porches, sheds, garages and utility rooms which are not within the walls of a dwelling.
863
- 864 441. *Loading space*: A space within the main building or on the same lot providing for the
865 standing, loading or unloading of trucks or other motor vehicles.
866
- 867 *Loading space, off-street*: Space logically and conveniently located for bulk pickups and
868 deliveries, scaled to deliver vehicles expected to be used, and accessible to such vehicles when
869 required off-street parking spaces are filled. Required off-street loading space is not to be included
870 as off-street parking space in computation of required off-street parking space.
871
- 872 442. *Local government*: The city commission of the City of LaBelle and its officers, agents, boards
873 and commissions.
874
- 875 443. *Local planning agency (LPA)*: The City of LaBelle Planning Commission, which has been
876 designated by the city commission by ordinance to prepare, monitor and update the
877 comprehensive plan.
878
- 879 *Local street*: A street used primarily for access to abutting properties, providing for minimum
880 speeds and traffic volumes.
881
- 882 *Local thoroughfares*: Those routes intended to carry moderate volumes of traffic for distances less
883 than regional thoroughfares.
884
- 885 *Lodging*: premises available for daily and weekly renting of guest rooms.
886
- 887 444. *Lot*: Any parcel, tract, or area of land which may be described by metes and bounds or
888 subdivision plat and having identifiable legally established property lines; also, a tract of land
889 occupied or intended to be occupied by a use permitted in this code, including at least one (1)
890 main building together with any accessory buildings and the yard areas and parking spaces
891 required by this code and having a principal frontage upon a publicly owned or maintained
892 street. The term "lot" shall include "plot" or "parcel", and along with other, similar terms are
893 intended to have the same meaning in this code.
894
- 895 445. *Lot or site area*: The horizontal plane area within the lot lines expressed in these regulations
896 in square feet or acres.
897
- 898 446. *Lot, corner*: A lot abutting upon two (2) or more streets at their intersection or at a street
899 corner having an interior angle not greater than one hundred thirty-five (135) degrees.
900
- 901 447. *Lot coverage*: The area of the lot covered by the ground floor of all principal and accessory
902 uses and structures, including areas covered by the roof of such uses and structures, measured
903 along the exterior faces of the walls along the foundation wall line, between the exterior faces
904 of support columns, from the center line of walls separating two (2) buildings or measured by
905 a combination of the foregoing, whichever produces the greatest total ground coverage for

906 such uses and structures. Lot coverage shall also include all impervious surfaces such as
907 drives, parking areas, walkways, swimming pools, patios, terraces and the like.

908
909 418. *Lot depth*: The distance measured from the middle point of the front line to the middle point
910 of the opposite rear line of the lot.

911
912 419. *Lot, double frontage*: A lot that has frontage on two (2) nonintersecting streets, also called a
913 through lot.

914
915 Lot frontage shall be construed to be the portion nearest the street. For the purposes of determining
916 yard requirements on corner lots and through lots, all sides of a lot adjacent to the street shall be
917 considered frontage, and yards shall be provided as indicated under "yard" in this section.

918
919 Lot measurements:

920 (1) Depth of a lot shall be considered to be the distance between the midpoints of straight
921 lines connecting the foremost points of the side lot lines in front and the rearmost points of
922 the side lot lines in the rear.

923 (2) Width. The horizontal distance between the side lot lines, measured at the front setback
924 line except for lots fronting on cul-de-sacs and curves of minimum forty-five (45) degrees.
925 Lots fronting on cul-de-sacs and curves must have thirty (30) feet minimum frontage and
926 are required to meet all other requirements including but not limited to lot size, building
927 area, setbacks.

928
929 420. *Lot line*: The legal boundary line of a lot.

930
931 421. *Lot of record*: A lot which is part of a subdivision, the map or plat of which has been recorded
932 in the office of the clerk of the circuit court of Hendry County, or a parcel of land, the deed of
933 which has been recorded in that office.

934
935 422. *Lot width*: The horizontal distance between the side lot lines, measured at the front setback
936 line.

937
938 Lumen: The unit used to measure the actual amount of light that is produced by a bulb.

939
940 Maintenance and repair services: Establishments primarily engaged in the provision of
941 maintenance and repair services to individuals and households, rather than businesses, but
942 excluding automotive and equipment repair use types. Typical uses include appliance repair shops,
943 shoe repair, watch or jewelry repair shops, or repair of musical instruments.

944
945 Manufacturing and fabrication: The mechanical or chemical transformation of materials or
946 substances into new products, including the assembling of component parts, the creation of
947 products, and the blending of materials including, but not limited to, oils, plastics, resins, etc.

948
949 Marginal access street: A street which is parallel to and adjacent to limited access highways and
950 thoroughfares, and which provides access to abutting properties.

951 423. *Marina*: See: Boat yard.

952 Marquee: Any permanent roof-like structure projecting beyond a building or extending along and
953 projecting beyond the wall of the building, generally designed and constructed to provide
954 protection from the weather.

955
956 Marquee sign: Any sign attached to, in any manner, or made a part of a marquee.
957

958 424. Mean high water line: The intersection of the shore of any body of water with the tidal
959 plane of the average height of high waters in the body over a nineteen-year period or, for shorter
960 periods of observation, the average height of the high waters after corrections are applied to
961 eliminate known variations and to reduce the result to the equivalent of a mean nineteen-year value,
962 as defined in Florida Statutes, Section 177.27.

963
964 Minimum en route altitude: the altitude in effect between radio fixes which assures acceptable
965 navigational signal coverage and meets obstruction clearance requirements between those fixes.
966

967 Minimum obstruction clearance altitude: the specified altitude in effect between radio fixes on
968 VOR airways, off-airway routes, or route segments which meets obstruction clearance
969 requirements for the entire route segment and which assures acceptable navigational signal
970 coverage only within twenty-two (22) miles of a VOR.
971

972 425. Miniwarehouse: A building or group of buildings in a controlled-access compound that
973 contains individual, compartmentalized access stalls or lockers of equal or varying sizes for the
974 dead storage of a customer's goods or wares.
975

976 Minor streets: Those streets the primary function of which is to provided access and service to
977 abutting property. This includes access and services to residential, business, industrial and public
978 uses.
979

980 Mixed use: different uses in the same building or in multiple buildings by adjacency.
981

982 426. Mobile home: A movable or portable detached single-family dwelling designed for and
983 capable of being used for long-term occupancy, designed to be transported after fabrication on its
984 own permanent chassis and wheels, arriving at the site substantially complete, of such size and
985 weight as to require special highway movement permits, and in excess of eight (8) feet in width
986 and thirty-two (32) feet in length but not exceeding twenty-eight (28) feet in width and seventy-
987 five (75) feet in length. A mobile home shall be as defined by Florida law, and shall be
988 transportable, manufactured, suitable for real estate and utilized for nontransient purposes. The
989 mobile home shall contain the same water supply, waste disposal and electrical conveniences as
990 conventional housing. Mobile homes are regulated separately from other single-family dwellings
991 in section 5-3, section 5-11 and article II of chapter 5 of this Code.
992

993 428. Modular factory-built home: A modular unit residential building composed of one (1) or
994 more dwelling units, or habitable rooms or component parts thereof, which is either wholly
995 manufactured or in substantial part constructed in a central manufacturing facility and bears the
996 approval of the Department of Community Affairs under the provisions of the Florida Housing

997 Act of 1971. However, this term does not apply to mobile homes, as defined by Florida Statutes,
998 Chapter 320. Modular homes are regulated by this code as dwellings.

999
1000 ~~129.~~ *Motel*: See: Hotel.

1001
1002 *Motor vehicle*: Any self-propelled vehicle designed primarily for transportation of persons or
1003 goods along public streets or alleys, or other public ways.

1004
1005 *Multi-stem*: A tree having two or more trunks arising from the root collar or main trunk.

1006
1007 *Municipal utilities*: Any closely regulated agency which, under public franchise or ownership, or
1008 under certificate of convenience and necessity, provides the public with electricity, gas, heat,
1009 steam, communication, rail transportation, water, sewage collection, or other similar service.

1010
1011 *Mural*: Any picture, scene or diagram painted on any exterior wall or fence devoid of commercial
1012 messages.

1013
1014 *Native species*: A plant or animal that originally occurred in an area. (United States Environmental
1015 Protection Agency)

1016
1017 *Natural resource*: coastal waters, wetlands, estuaries, tidal flats, beaches, lands adjoining seacoasts
1018 of the state, and all living things except human beings (F.S. § 376.121).

1019
1020 *Natural resource management area*: an area located within the City of LaBelle characterized by
1021 one (1) or more of the following:

1022
1023 (1) A wetland (connected or isolated) and including wetland fringe areas which are
1024 essential for maintaining the hydroperiod of the wetland. For the purposes of this chapter,
1025 wetlands shall be as established under the rules of the Florida Department of Environmental
1026 Regulation (FDEP). Fringe areas shall be all areas within twenty-five (25) feet of
1027 designated wetlands, unless a larger specific fringe area is established by either the FDEP;
1028 or

1029 (2) A wetland or upland habitat for a species listed as either "threatened" or "endangered"
1030 by the Florida Fish and Wildlife Conservation Commission. For the purposes of this
1031 chapter, the location of habitat areas shall be as established by the Fish and Wildlife
1032 Conservation Commission based on area-wide studies or studies of individual sites; or

1033 (3) An area within e five hundred (500) feet of a potable water wellfield; or

1034 (4) An area within five hundred (500) feet of a historic structure or site or a known or
1035 suspected archaeological site which is eligible for listing on the National Register of
1036 Historic Places. For the purposes of this chapter, a site will be considered eligible if it is
1037 listed on the National Register or if it is included on the Master Archaeological Site File
1038 maintained by the Bureau of Historic Preservation, Florida Secretary of State.

1039
1040 *Neon sign*: Any sign which is formed by luminous or gaseous tubes in any configuration, and such
1041 tubes are visible.

1042 Non-conforming: a characteristic of a building, property or use that lawfully existed prior to the
1043 enactment of the requirements of this chapter, but does not comply with the current requirements
1044 of this chapter.

1045
1046 ~~130.~~ Nonconforming use or building: The use of a building or land, or a portion thereof, which
1047 was legally established and existed prior to the effective date of the use regulations for the district
1048 in which it is located but which does not conform to the use regulations of that district.

1049
1050 Nonconforming sign: A sign lawfully erected and maintained prior to the adoption, revision or
1051 amendment of this ordinance that does not conform with the requirements of this ordinance.

1052
1053 Nonprecision-instrument runway: a runway having a nonprecision-instrument approach procedure
1054 utilizing air navigation facilities with only horizontal guidance, or area-type navigation equipment,
1055 for which a straight-in nonprecision-instrument approach procedure has been approved or planned,
1056 and for which no precision approach facilities are planned or indicated on an FAA planning
1057 document or military service's military airport planning document. (See Chapter 4, Article VIII.
1058 Airport Zoning).

1059
1060 ~~131.~~ Nursing home: See: Congregate living facility (adult.)

1061
1062 ~~132.~~ Occupied: The term "occupied" includes "used," "designed," "built," "altered," "converted
1063 to" or "intended to be used or occupied."

1064
1065 ~~133.~~ Office building, business or professional: A building providing office space for professional
1066 services in law, architecture, engineering, medicine, dentistry, osteopathy, chiropractic or
1067 optometry, or any related areas, or consultants in these professions.

1068
1069 ~~134.~~ Official register: A register of procedural rules, fees and other information necessary and
1070 helpful for the use of the Development Administrator in the administration of this code.

1071
1072 Off-premises sign: Any sign which advertises an activity not conducted on the premises upon
1073 which the sign is located, except as otherwise provided for within this Code.

1074
1075 Opacity: not allowing light to pass through.

1076
1077 Open space. An area or portion of land, either landscaped or essentially unimproved and which is
1078 used to meet human recreational or spatial needs, or to protect water, air, or plant areas.

1079
1080 Outdoor advertising business: Provision of outdoor displays or display space on a lease or rental
1081 basis only.

1082
1083 Outdoor storage area: An area used or intended for the storage of materials, refuse or vehicles and
1084 equipment not in service. Outdoor storage areas shall not incorporate any other areas of project
1085 development such as parking areas, landscaping and yard areas, unless specifically authorized by
1086 the applicable land-use regulations.

1087

1088 Outdoor sales area: An area of designated size used for the display of merchandise or tangible
1089 property normally vended within the contiguous business or organization.

1090
1091 ~~135. Outpatient care facilities: An establishment where patients who are not lodged overnight are~~
1092 ~~admitted for examination and treatment by one (1) person or a group of persons practicing any~~
1093 ~~form of healing or health-building services to individuals, whether such persons be medical~~
1094 ~~doctors, optometrists, dentists or any such profession, the practice of which is lawful in the State~~
1095 ~~of Florida.~~

1096
1097 ~~136. Parcel: See: Lot.~~

1098
1099 Park: a civic space type that is a natural preserve available for unstructured recreation.

1100
1101 ~~137. Parking, handicap: Parking spaces designed and provided in quantities consistent with~~
1102 ~~handicap requirements.~~

1103
1104 ~~138. Parking lot: An open area used exclusively for the storage of motor vehicles, whether or~~
1105 ~~not a fee is charged.~~

1106
1107 Parking lot area: An off-street, ground-level open area for the temporary storage of motor
1108 vehicles, including paved parking spaces and drives and aisles for maneuvering, and providing
1109 access for entrance and exit, developed in a way to accommodate the parking of motor vehicles.
1110 Includes an area used exclusively for the display of motor vehicles for sale as part of an automobile
1111 dealership.

1112
1113 ~~139. Parking space, off-street: For the purpose of this code, an off-street parking space shall~~
1114 ~~consist of an area adequate for parking an automobile with room for opening doors on both sides,~~
1115 ~~together with properly related access to a public street or alley and maneuvering room, but located~~
1116 ~~totally outside of any street or alley right-of-way. Size shall conform to specifications in this code~~
1117 ~~and may be divided into spaces for standard size vehicles and compact cars.~~

1118
1119 Pawnshops: An establishment that engages, in whole or in part, in the business of loaning money
1120 on the security of pledges of personal property, or deposits or conditional sales of personal
1121 property, or the purchase or sale of personal property. A pawnshop shall not be deemed a "retail
1122 sales establishment" except for the purposes of determining off-street parking and buffering
1123 requirements.

1124
1125 Pennant: Any lightweight plastic, fabric, or other material, whether or not containing a message
1126 of any kind, suspended from a rope, wire, or string, usually in series, designed to move in the wind.

1127
1128 ~~140. Permanent control point (PCP): A secondary horizontal control monument consisting of a~~
1129 ~~metal marker with the point of reference marked thereon or a four-inch by four-inch concrete~~
1130 ~~monument a minimum of twenty-four (24) inches long, with the point of reference marked thereon.~~
1131 ~~PCP's shall bear the registration number of the surveyor filing the plat of record.~~

1132

1133 141. *Permanent reference monument*: A metal rod twenty-four (24) inches long, or a one and one-
1134 half-inch minimum diameter metal pipe a minimum of twenty (20) inches long, either of which
1135 shall be encased in a solid block of concrete or set in natural bedrock a minimum of six (6) inches
1136 in diameter and extending a minimum of eighteen (18) inches below the top of the monument, or
1137 a concrete monument four (4) inches by four (4) inches in diameter a minimum of twenty-four
1138 (24) inches long, marked with the point of reference. A metal cap marked with the point of
1139 reference shall bear the registration number of the surveyor certifying the plat of record, and the
1140 letters "PRM" shall be placed in the top of the monument.

1141
1142 142. *Person*: Any individual, group of individuals, corporation, partnership, association, or any
1143 other entity, including state and local government agencies.

1144
1145 *Personal services*: An establishment or place of business primarily engaged in the provision of
1146 frequent or recurrent needed services of a personal nature. Typical uses include, but are not limited
1147 to, beauty shops and barbershops, shoe repair shops, and tailor shops.

1148
1149 *Photovoltaic System*: An active SES that converts solar energy directly into electricity.

1150
1151 143. ~~*Planning commission*: The City of LaBelle planning and zoning commission.~~

1152
1153 144. *Plat*: A map or delineated representation of the subdivision of lands, being a complete
1154 exact representation of the subdivision and other information in compliance with the requirements
1155 of all applicable sections of the Code and any other local or state legislation. The term may include
1156 the terms "replat," "amended plat" or "revised plat." The prior approval of a preliminary plat is
1157 required prior to filing a final plat, which is prepared for recording the subdivision of land.

1158
1159 145. *Plat of consolidation*: A subdivision action for the purpose of consolidating several parcels
1160 into a single parcel of land.

1161
1162 *Plaza*: a civic space type designed for civic purposes and commercial activities, generally paved
1163 and spatially defined by building frontages.

1164
1165 146. *Plot*: See: Lot.

1166
1167 *Portable sign*: A sign not permanently attached to the ground or other permanent structure, or a
1168 sign designed to be transported, including trailer signs (as herein defined), but not including signs
1169 converted to A-frames or T-frames, menu or sandwich board signs, balloons used as signs,
1170 umbrellas used for advertising, and signs attached to or painted on vehicles parked and visible
1171 from the public right-of-way, unless said vehicle is used in the normal day-to-day operations of
1172 business.

1173
1174 147. *Preliminary development approval*: An action by an agency or agent of the City of LaBelle
1175 authorizing an applicant for a land development or land use activity to proceed with further
1176 submittals and reviews for the purpose of obtaining a final development approval. (See Chapter 6
1177 for procedures.) Preliminary development approval does not confer approval or authorization
1178 sufficient to vest any particular land use of development activity.

1179 148. *Principal building or use:* A main use of land, as distinguished from an accessory use; the
1180 building housing the main or principal use.

1181
1182 *Private:* Belonging to or restricted for the use or enjoyment of particular persons.

1183
1184 *Projecting sign:* Any sign affixed to a building or wall in such a manner that its leading edge
1185 extends more than six (6) inches beyond the surface of such building or wall.

1186
1187 149. *Property line:* See: Lot line.

1188
1189 150. *Protective covenants:* A private agreement that may be recorded in the public records that
1190 restricts the use of private property.

1191
1192 *Public:* Belonging or open to, enjoyed and used by and/or maintained for the public generally, but
1193 not limited to, a facility, the control of which is wholly or partially exercised by some governmental
1194 agency.

1195
1196 151. *Public improvements:* Those improvements required to be dedicated to the local government,
1197 including street pavements, curbs and gutters, sidewalks, alley and walkway pavements, water
1198 mains, sanitary sewers, storm sewers or drains, street names, signs, landscaping, parks, permanent
1199 reference monuments, permanent control points or any other improvement required by the city
1200 commission relating to the development of land.

1201
1202 152. *Public notice:* See: Due public notice.

1203
1204 153. *Public utility services or facilities, essential:* The construction, erection, alteration or
1205 maintenance of buildings, ways, streets, power plants, substations, water treatment plants,
1206 pumping stations, sewage disposal or pumping plants and like public service structures by a public
1207 utility or a railroad, publicly or privately owned, or by a municipal or other governmental agency,
1208 to furnish communication, electricity, gas, rail transport, communication or public water and
1209 sewage services.

1210
1211 *Quasipublic use:* A use owned or operated by a nonprofit, religious, or eleemosynary institution,
1212 and providing educational, cultural, recreational, religious, or similar types of programs.

1213
1214 *Reader board:* A sign or part of a sign on which the letters are readily replaceable such that the
1215 copy can be changed from time to time at will.

1216
1217 *Rear alley:* a vehicular way located to the rear of lots providing access to service areas, parking,
1218 and accessory structures and containing utility easements.

1219
1220 154. *Recovery home:* See: Community-based residential facilities.

1221
1222 155. *Recreation facility:* Public or private areas and facilities designed for passive or active
1223 recreational activities, including open spaces, community centers, environmental trails or centers,
1224 swimming pools, tennis courts, football/soccer/baseball fields, golf courses, boat ramps or docks

1225 without boat yard characteristics and other areas and facilities of a recreational nature, but not
1226 including such heavy equipment or machinery as is usually associated with commercial or
1227 industrial uses.

1228

1229 ~~156.~~ *Recreational vehicle:* The following types of vehicles are to be deemed recreational vehicles:

1230 (a) *Travel trailer:* A vehicular, portable structure built on a chassis and towed; designed
1231 to be used as a temporary dwelling for travel, recreation and vacation uses;
1232 permanently identified "travel trailer" by the manufacturer on the trailer; and, when
1233 factory equipped for the road, having a body width not exceeding eight (8) feet and
1234 a body length not exceeding thirty-two (32) feet, but not including mobile homes as
1235 defined herein.

1236 (b) *Pickup coach:* A structure designed to be mounted on a truck chassis with sufficient
1237 equipment to render it suitable for use as a temporary dwelling for travel, recreation
1238 and vacation uses.

1239 (c) *Camping trailer:* A collapsible, temporary structure covered with a water-repellent
1240 fabric, mounted on wheels and designed for travel, recreation and vacation uses.

1241 (d) *Auto camper:* A lightweight, collapsible unit that fits on top of an automobile and
1242 into the trunk with the cover removed, and that is designed for travel, recreation and
1243 vacation uses.

1244 (e) *All-terrain vehicles:* Dune buggies, swamp buggies and the like shall be considered
1245 recreation vehicles, whether or not licensed as such by the state.

1246

1247 *Regional thoroughfares:* Those routes intended to carry large volumes of traffic for major
1248 distances through Hendry County and/or the City of LaBelle.

1249

1250 *Regulating plan:* a set of maps that show the transect zones, and special treatment areas regulated
1251 by this Code.

1252

1253 *Residential sign:* Any sign located in a district for residential uses.

1254

1255 ~~157.~~ *Residential treatment facility:* See: Community-based residential facilities.

1256

1257 ~~158.~~ *Restaurant:* See: Eating and drinking establishments.

1258

1259 ~~159.~~ *Resubdivision:* A change in a map of an approved or recorded subdivision plat if such
1260 change affects any street layout on such map, any area reserved thereon for public use,
1261 any lot line, or any map or plan legally recorded prior to the adoption of any regulations
1262 controlling the subdivision.

1263

1264 *Retail/retail storefront:* characterizing premises available for the sale of merchandise and food
1265 service.

1266

1267 *Retail sales establishment:* A commercial enterprise that provides goods and/or services directly
1268 to the consumer, where such goods are available for immediate purchase and removal from the
1269 premises by the purchaser.

1270

1271 460. *Right-of-way*: Land dedicated, deeded, used or to be used for a street, alley, walkway,
1272 drainage facility, access for ingress and egress or other purpose by the public, by individuals
1273 or by governmental bodies.
1274

1275 *Roads*: Those traffic routes officially designated as federal or state highway routes, also referred
1276 to as primary and secondary roads.
1277

1278 *Roadways concurrency*: transportation facilities needed to serve new development shall be in
1279 place or under actual construction within three (3) years after the local government approves a
1280 building permit or its functional equivalent that results in traffic generation.
1281

1282 *Roof Mounted Solar Energy System*: An SES that is structurally mounted to the roof of a building
1283 or structure; may be of any size (Level 1, 2, or 3).
1284

1285 *Roof sign*: Any sign erected and constructed wholly on and over the roof of a building, supported
1286 by the roof structure, and extending vertically above the highest portion of the roof. Roof signs, as
1287 defined herein, are not permitted.
1288

1289 *Roof sign, integral*: Any sign erected or constructed as an integral or essentially integral part of a
1290 normal roof structure of any design, such that no part of the sign extends vertically above the
1291 highest portion of the roof and such that no part of the sign is separated from the rest of the roof
1292 by a space of more than six (6) inches.
1293

1294 *Root collar*: An encircling structure of swollen tissue or a marked color change (from the tree bark)
1295 located at the highest part of the root system joining into the trunk of a tree at or slightly below the
1296 surrounding soil line.
1297

1298 *Root protection area*: An area, to the tree drip line, in which limited construction may take place
1299 for the purposes of establishing sidewalks, driveways, utility connections, sodding and
1300 landscaping.
1301

1302 461. *Rowhouse*: See: Townhouse.
1303

1304 *Runway*: a defined area on an airport prepared for landing and takeoff of aircraft along its length.
1305

1306 462. *Sanitary landfill, garbage*: Addition or deposit of any garbage or organic matter upon or
1307 within any lot or parcel as regulated by the Florida Department of Environmental Regulation.
1308

1309 463. *Sanitary landfill, non-garbage*: Addition or deposit of any dry trash, refuse or solid waste
1310 material, upon or within any lot or parcel. Allowed materials shall include tree, shrub and grass
1311 cuttings, metal items, construction materials, natural vegetation materials from land clearing and
1312 other similar items as regulated by the Florida Department of Environmental Regulation.
1313

1314 464. *Screening*: Shall mean either of the following:

- 1315 (a) A strip of land at least ten (10) feet wide, densely planted (or having equivalent
 1316 natural growth) with shrubs or trees at least four (4) feet high at the time of planting
 1317 of a type that will form a year-round dense screen at least six (6) feet height.
 1318 (b) A combination of an opaque wall or barrier or uniformly painted fence no more than
 1319 three (3) feet high and the materials listed in subsection (a) which, together form a
 1320 year-round dense screen at least six (6) feet high.
 1321

1322 ~~165.~~ *Seat:* For purposes of determining the number of off-street parking spaces for certain uses,
 1323 the number of seats is the number of seating units installed or indicated, or each twenty-four (24)
 1324 lineal inches of benches, pews or space for loose chairs.
 1325

1326 ~~166.~~ *Service station, automotive:* *See:* Automobile service station.
 1327

1328 ~~167.~~ *Sewage system:* All of the equipment and property involved in the operation of a central
 1329 sanitary sewer utility, including waste water lines and appurtenances, pumping stations,
 1330 treatment works, disposal facilities and general property necessary for the operation of such a
 1331 utility, which shall be fully installed, operable and providing service in compliance with
 1332 applicable Florida laws and regulations.
 1333

1334 ~~168.~~ *Shopping center:* A group of retail stores or service establishments, planned, developed,
 1335 owned or managed as an integral unit, with off-street parking provided on the property, and
 1336 related in location, size and type of shops to the trade area which the unit serves.
 1337

1338 *Shrub, large:* An upright plant growing to a mature height of more than ten (10) feet for use
 1339 as a natural ornamentation or screening.
 1340

1341 *Shrub, medium:* An upright plant growing to a mature height of five (5) to ten (10) feet, for use as
 1342 a natural ornamentation or screening.
 1343

1344 *Shrub, small:* An upright plant growing to a mature height of less than five (5) feet, for use as a
 1345 natural ornamentation or screening.
 1346

1347 ~~170.~~ *Sign:* Any structure, device or part thereof, whether or not attached thereto or painted or
 1348 represented thereon, or any thing or material, illuminated or otherwise, which displays or includes
 1349 any device, word, numeral, letter, model, banner, emblem, insignia, trademark or other
 1350 representation used as or in the nature of an announcement, advertisement, direction or designation
 1351 of an enterprise or industry, which is located upon any land, on any building or in or upon a
 1352 window; or any such item located indoors in such a manner as to attract attention from outside the
 1353 building.
 1354

1355 *Sign area:* The entire face of a sign, including the advertising surface and any framing, trim
 1356 or molding. The frame or structural members may be considered as part of the sign area if it is so
 1357 designed with lighting or other ornamentation that is incorporated for the sign design.
 1358

1359 *Sign face:* The part of the sign that is or can be used to identify, advertise or communicate
 1360 information or visual representation that attracts the attention of the public for any purpose. The

1361 frame or structural members may be considered as part of the sign face if it is so designed with
1362 lighting or other ornamentation that is incorporated for the sign design.

1363
1364 Sign setback line: An imaginary line created by this ordinance to establish an easily determined
1365 setback from any public thoroughfares for the placement of certain temporary
1366 signs.

1367
1368 Significant natural area: An area of natural environment which adds character to a location
1369 and which, if altered or damaged, cannot be artificially replaced. These areas typically include
1370 native species.

1371
1372 Significant oak tree: Any Live Oak, Laurel Oak or Water Oak of at least twelve-inch caliper
1373 measured at DBH. If a tree is oblong in shape, the average of the widest point and the narrowest
1374 point measured at DBH shall be taken to determine size.

1375
1376 469. Sight distance triangle: An area kept clear for the purpose of enabling vehicles and
1377 pedestrians at an intersection of roads to see vehicles or pedestrians approaching the intersection
1378 on other roads. The area within the limits described by the two (2) intersecting right-of-way lines
1379 of a street or road and a line drawn between them from points on each right-of-way line that are a
1380 prescribed number of feet from the intersection of the center lines.

1381
1382 Single room occupancy hostel: a budget-oriented, sociable accommodation where guests can rent
1383 individual rooms and typically share a bathroom and sometimes a kitchen.

1384
1385 SIS means the Florida Strategic Intermodal System as described in F.S. (2005) § 339.61.

1386
1387 Solar Collector: A device, structure or a part of a device or structure for which the primary purpose
1388 is to transform solar radiant energy into thermal, mechanical, chemical or electrical energy.

1389
1390 Solar Energy: Radiant energy received from the sun that can be collected in the form of heat or
1391 light by a solar collector.

1392
1393 Solar Energy System (SES) — The components and subsystems required to convert solar energy
1394 into electric or thermal energy suitable for use. The area of the system includes all the land inside
1395 the perimeter of the system, which extends to any fencing. The term applies, but is not limited to,
1396 solar photovoltaic (PV) systems, solar thermal systems, and solar hot water systems. A system fits
1397 into one (1) of three (3) system types: Level 1 SES, Level 2 SES, and Level 3 SES.

1398
1399 Special exception: A use that would not be appropriate generally or without restriction throughout
1400 the zoning division or district but which, if controlled as to number, area, location, or relation to
1401 the neighborhood, would promote the public health, safety, welfare, morals, order, comfort,
1402 convenience, appearance, prosperity, or general welfare. Special exception uses may only be
1403 permitted in the zoning districts or classifications specifically provided for in Chapter 4 and only
1404 under the standards and regulations contained therein.

1405
1406 Spread: A term used to indicate the horizontal width of a shrub or the crown of a tree.

1407 Square: a civic space type designed for unstructured recreation and civic purposes, spatially
1408 defined by building frontages and consisting of paths, lawns and trees, formally disposed.

1409
1410 171. *Standard industrial classification (SIC):* A system for classifying business establishments by
1411 the type of activity they are engaged in. The classification system is reported in the Standard
1412 Industrial Classification Manual (1972) by the Executive Office of the President, U.S. Office of
1413 Management and Budget.

1414
1415 172. *Start of construction:* The first placement of permanent construction of a structure (not a
1416 mobile home) on a site, such as the pouring of slabs or footings or any work beyond the stage of
1417 excavation, including the relocation of a structure. For mobile homes, "start of construction" means
1418 the affixing of the mobile home to its permanent site.

1419
1420 Stoop: a small platform and/or entrance stairway at a house door, commonly covered by a
1421 secondary roof or awning.

1422
1423 Storefront: building frontage for the ground floor usually associated with retail uses.

1424
1425 173. *Storm water management system:* The designed features of an improvement to property
1426 which collect, channel, hold, store, inhibit or divert the movement of storm water to meet the
1427 requirements of Chapter 17-25 of the Florida Administrative Code and this code.

1428
1429 174. *Story:* That portion of a building included between the surface of any floor and the surface
1430 of the next floor above it or, if there is no floor above it, then the space between the floor and the
1431 ceiling above it. A habitable level within a building, excluding an attic.

1432
1433 Streamer: A streamer is defined the same as a pennant for purposes of this ordinance.

1434
1435 175. *Street:* Any public or private thoroughfare which affords an access way to abutting property
1436 such as a street, road, lane, highway, avenue, alley, parkway, circle, court, terrace or cul-de-
1437 sac, including all means of ingress or egress regardless of the term used to describe it; and all
1438 of the land lying between the right-of-way lines as delineated on a plat or plan showing such
1439 streets, whether improved or unimproved, but not including access ways intended only for
1440 limited utility purposes.

1441 (a) *Public:* Legally dedicated to public use and officially accepted by the local
1442 government.

1443 (b) *Private:* Privately owned and maintained on a recorded easement, site plan or plat
1444 approved by the city commission.

1445 (c) *Arterial:* A street designed or utilized primarily for high speed vehicular
1446 movements and heavy volumes of traffic, assimilating traffic from collector and local
1447 streets.

1448 (d) *Collector:* Any road serving as the connecting link between local roads and arterial
1449 roads or serving as a substantial link between separated local roads within a
1450 subdivision or other development. A major collector street carries medium volumes
1451 of traffic collected largely from minor collector and local streets and delivers the

1452 traffic to arterial streets. A minor collector street carries relatively light volumes of
1453 traffic primarily from local streets to major collector streets.

1454 (e) *Local*: Any street primarily serving adjacent property owners and residents as the
1455 initial access to the highway system, characterized by short trips, low speeds and
1456 light traffic volumes.

1457
1458 **176. Street right-of-way**: The dividing line between a lot, tract or parcel of land and the abutting
1459 street right-of-way. The right-of-way line shall be considered a property line, and all front
1460 setback lines and requirements provided in these regulations shall be measured from the street
1461 right-of-way line.

1462
1463 Street line shall mean the right-of-way line of a street.

1464
1465 Structure shall mean anything constructed or erected with a fixed location on the ground, or
1466 attached to something having a fixed location on the ground. Among other things, structures
1467 include buildings, mobile homes, walls, fences, billboards, and poster panels.

1468
1469 Studio apartment: A residential unit that has only one (1) combined living and sleeping room, said
1470 dwelling unit, however, may also have a separate room containing only kitchen facilities and also
1471 a separate room containing only sanitary facilities.

1472
1473 Subdivide shall mean, in whatever tense used, the division or subdivision of any real property,
1474 improved or unimproved, or any portion thereof, shown on the latest adopted city tax roll as a unit
1475 or as contiguous units, which is divided for the purpose of sale, lease, or financing, whether
1476 immediate or future; by any subdivider into three (3) or more parcels, or if a new street is involved,
1477 any division of a parcel of land; provided that this definition shall not apply to:

1478
1479 (1) Financing or leasing of apartments, offices, stores or similar space within an apartment
1480 building, industrial building, commercial building, or a rental trailer park.

1481 (2) Any conveyance of land to a governmental agency, public entity or a public utility shall
1482 not be considered a division of land for purposes of computing the number of parcels.

1483 (3) The division of any real property improved or unimproved or a portion thereof shown
1484 on the latest adopted city tax roll as a unit or as a contiguous units, which is divided for the
1485 purpose of sale, lease or financing, whether immediate or future, if any of the following
1486 conditions prevail;

1487
1488 a. The property before division is divided such that each parcel created by the
1489 division abuts upon a public street or highway and no dedications or improvements
1490 required by this regulation need be installed.

1491 b. Any real property divided into lots, blocks, parcels, tracts or other portions
1492 thereof, however the same may be designated, each of a gross area of ten (10) acres
1493 or more and each of which has an approved access to a public street or highway
1494 and does not conflict with the comprehensive city plan. An approved access is an
1495 ingress and egress easement having a minimum width of sixty (60) feet conveyed
1496 with the sale of real property divided into increments of three (3) parcels or more,
1497 and providing access to a public street or highway. Such access to a public street or

1498 highway should be in accordance with this regulation and approved by the city
1499 commission.

1500 c. Any parcel or parcels of land divided into lots or parcels, each of a gross area of
1501 forty (40) acres or more, or each of which is a quarter-quarter section or larger.

1502 d. Any division of land for the purpose of conveying real property to members of
1503 the immediately family of the owner or record as a gift or in the settlement of an
1504 estate.

1505
1506 Subdivider: Any individual, firm, association, syndicate, partnership, corporation, trust or any
1507 other legal entity commencing proceedings under this regulation to affect a subdivision of land
1508 hereunder.

1509
1510 477. Subdivision: The division or redivision of a lot, tract, or parcel of land into three (3) or more
1511 lots, plats, sites, or other divisions of land any one (1) of which is less than ten (10) acres in
1512 area, except when the division results from an inheritance of a deed of gift, the term includes
1513 any resubdivision of land and when appropriate to the context, relates to the process of
1514 subdividing or to the land or territory subdivided for the purpose of separating the ownership
1515 of such lot or parcel and/or for the separate development of different portions of the lot, as
1516 regulated under chapter 5 of this code. Subdivision also means the act of redefining boundaries
1517 of existing lots or parcels, as well as the act of consolidating existing lots or parcels. When
1518 appropriate to the context (as a noun), subdivision means the development created pursuant
1519 to the recording of a subdivision plan or plat. The term is intended to include a subdivision of
1520 land regardless of the form taken by the subdivision. The term includes any plan for
1521 development of more than four (4) residential or other dwelling units on any lot or lots, tract
1522 or tracts, parcel or parcels of land regardless of size. In addition, the term includes
1523 condominiums, planned unit developments, mobile home parks, campgrounds, vehicle
1524 recreation parks, or any similar use.

1525
1526 Substantial modification: reconstruction or modification of a structure such that the collective
1527 reconstructions or modifications within any three-year period are valued at more than either
1528 fifty thousand dollars (\$50,000.00) or a total of fifty (50) percent of the assessed value of the
1529 structure in the most recently certified tax rolls, whichever is greater.

1530
1531 478. Survey, certified: See: Certified survey.

1532
1533 Suspended sign: A sign that is suspended from the underside of a horizontal plane surface and is
1534 supported by such surface.

1535
1536 479. Swimming pool: Any constructed pool used for swimming or bathing having a depth
1537 exceeding twenty-four (24) inches or a surface area exceeding two hundred fifty (250) square
1538 feet. (See: Supplemental Regulations.)

1539
1540 Tattoo or tattoo art: a mark or design made on or under the skin of a human being by a process of
1541 piercing and ingraining a pigment, dye or ink in the skin. [F.S. § 381.00791(6), as amended]

1542

1543 Tattoo establishment: a place or premise, whether public or private, temporary or permanent in
1544 nature or location, where the practice of tattooing is performed. [F.S. § 381.00771(8), as amended]
1545
1546 Tattoo artist - any person who conducts or practices body art procedures as defined in F.S. §
1547 381.0071, including an artist who performs cosmetic tattooing.
1548
1549 Temporary sign: A sign installed for a limited time and not constructed or intended for longterm
1550 use.
1551
1552 180. *Theater:* An establishment offering dramatic presentations or showing motion pictures to the
1553 general public.
1554
1555 181. *Tourist home:* See: Boarding house, rooming house, lodging house or dormitory.
1556
1557 182. *Townhouse:* A group of two (2) or more single-family dwellings separated by a space of not
1558 more than one (1) inch. The walls or party wall separating the dwelling units of the townhouse
1559 shall extend to the roof line of the dwelling and shall have no openings therein. Each
1560 townhouse unit shall be constructed upon a separate lot and serviced with separate utilities
1561 and other facilities and shall otherwise be independent of one another. Townhouses are single-
1562 family dwelling units.
1563
1564 183. *Tract:* See: Lot.
1565
1566 184. *Trailer (boat, horse, utility):* A conveyance drawn by other motive power and used for
1567 transporting a boat, animal or general goods.
1568
1569 185. *Trailer coach:* See: Recreation vehicle.
1570
1571 186. *Trailer, house:* See: Mobile home.
1572
1573 Trailer sign: Any sign designed to be transported by means of wheels, whether or not the wheels
1574 remain attached, located on the ground and permanently attached thereto, and which is usually a
1575 two-sided sign and including any single-surface or double-surface painted or postered panel type
1576 sign, or any variation thereof.
1577
1578 Transect: a cross-section of the environment showing a range of different habitats ranging from
1579 rural to urban in physical form and character of place.
1580
1581 187. *Travel trailer:* See: Recreation vehicle.
1582
1583 188. *Travel trailer park or court:* A park or court licensed and approved by the applicable state
1584 agency and established to carry on the business of parking travel trailers and other recreational
1585 vehicles.
1586
1587 189. *Tree:* A self-supporting wood plant having one (1) or more well-defined trunk capable of
1588 being maintained with a clear trunk and normally growing to an overall height at maturity of

1589 a minimum of fifteen (15) feet, including palms. A perennial woody plant, with single or
1590 multi-trunks, with few if any branches on its lower part.

1591
1592 Tree, large: A tree species that normally reaches a height of thirty (30) feet or more upon maturity.

1593
1594 Tree, medium: A tree species that normally reaches a height exceeding fifteen (15) feet but less
1595 than thirty (30) feet upon maturity.

1596
1597 Tree, small: A tree species that normally reaches a height of less than fifteen (15) feet upon
1598 maturity.

1599
1600 Tree removal: The destruction of any tree by cutting, girdling, interfering with the water supply,
1601 applying chemicals, or regrading around the base of the trunk. The removal, felling, or destruction
1602 of fifty (50) percent or more of a tree, but does not include trimming branches for tree maintenance
1603 purposes.

1604
1605 TRIP means the FDOT Transportation Regional Incentive Program.

1606
1607 ~~190.~~ *Truck stop:* An establishment principally used for refueling and servicing trucks and
1608 tractor-trailer rigs, but which may include restaurants and snack bars and facilities for repair
1609 and maintenance of trucks and tractor-trailers.

1610
1611 Trunk: That portion of a stem or stems of a tree before branching occurs.

1612
1613 Turning radius: the curved edge of a thoroughfare at an intersection, measured at the inside edge
1614 of the vehicular tracking. The smaller the turning radius, the smaller the pedestrian crossing
1615 distance and the more slowly the vehicle is forced to make the turn.

1616
1617 ~~191.~~ *Use:* The purpose for which land or water or the structure thereon is designated to the extent
1618 covered by this code.

1619
1620 ~~192.~~ *Used or occupied:* As applied to any land or building, these terms shall also mean "intended,"
1621 "arranged" or "designated to be used or occupied."

1622
1623 ~~193.~~ *Utilities:* Facilities made available to and shared by the community at large, including but not
1624 limited to community water systems, central sewage systems, electrical power distribution
1625 systems, natural gas distribution systems and telephone systems.

1626
1627 Utility runway: a runway that is constructed for an intended to be used by propeller-driven aircraft
1628 of twelve thousand five hundred (12,500) pounds maximum gross weight and less.

1629
1630 ~~194.~~ *Variance:* A modification of the zoning regulations which allows one (1) or more district
1631 regulations to be relaxed in favor of the owner, when such variance will not be contrary to the
1632 public interest and when, owing to conditions peculiar to the physical aspects of the real
1633 property in question and not the result of the actions of the applicant, a literal enforcement of
1634 the regulations would result in unnecessary and undue hardship. A variance is authorized only

1635 for the height, area or size of a structure or size of yards and open space. The establishment
1636 or expansion of a use otherwise prohibited under this code shall not be allowed by a variance,
1637 nor shall a variance be granted in violation of the provisions of section 3-22(8) or as to the use
1638 or residential density of a parcel. No variance shall be granted because of the presence of
1639 nonconformities in the zoning district or classification or in adjoining zoning districts or
1640 classifications.

1641
1642 195. *Veterinary clinic or hospital:* Any building or portion thereof designed or used for the
1643 veterinary care, surgical procedures or treatment of animals, but not for the sale, breeding,
1644 grooming or boarding of well animals or for pet shops.

1645
1646 Visual runway: a runway intended solely for the operation of aircraft using visual approach
1647 procedures with no straight-in instrument approach procedure and no instrument designation
1648 indicated on an FAA-approved airport layout plan, a military services approved military airport
1649 layout plan, or by any planning document submitted to the FAA by competent authority.

1650
1651 Wall sign: Any sign attached parallel to, but within six (6) inches of a wall, painted on the wall
1652 surface of, or erected and confined within the limits of an outside wall of any building or structure
1653 which is supported by such wall or building, and which displays only one (1) sign surface.

1654
1655 Warehousing: Facilities characterized by extensive warehousing, frequent heavy trucking activity,
1656 open storage of material, or nuisances such as dust, noise, and odors, but not involved in
1657 manufacturing or production.

1658
1659 196. *Water system:* All or part of the equipment and property involved in the operation of a
1660 community water utility including, where applicable, water lines and appurtenances, pumping
1661 stations and treatment plants relating to such utility, which shall be fully installed, operable
1662 and providing service in compliance with applicable Florida laws and regulations.

1663
1664 Wellfield: an area containing one (1) or more wells used, whether on a continuous, intermittent, or
1665 occasional basis, for public water supply, and including any area designated for future
1666 development of such wells by the City Commission.

1667
1668 Wellhead protection area: an area designated by the Department of Environmental Protection
1669 consisting of a five hundred-foot radial distance around a potable water well where ground water
1670 is provided the most stringent protection measures to protect the ground water source for a potable
1671 water well and includes the surface and subsurface area surrounding the well [62-521.200, FDEP].

1672
1673 197. *Wetlands:* Land subject to regular inundation by water over a majority of time measured over
1674 a period of years or any land meeting the definition of "wetlands" found in Florida Statutes,
1675 Section 403.817, as any land bearing those dominant wetland plant indicator species included
1676 in Florida Administrative Code, Chapter 17-4.

1677
1678 Wholesale sales and distribution: An establishment or place of business primarily engaged in
1679 selling and/or distributing merchandise to retailers; to industrial, commercial, institutional, or
1680 professional business users, or to other wholesalers; or acting as agents or brokers and buying

1681 merchandise for, or selling merchandise to, such individuals or companies. This is not considered
1682 a general commercial use.

1683
1684 Window sign: Any sign, pictures, symbol, or combination, thereof, designed to communicate
1685 information about an activity, business, commodity, event, sale or service, that is placed inside a
1686 window or upon the window panes or glass and is visible from the exterior of the window.

1687
1688 ~~198.~~ *Written or in writing:* The terms "written" or "in writing" shall be construed to include any
1689 representation of words, letters, or diagrams or figures, whether by printing or otherwise.

1690
1691 ~~199.~~ *Yard:* An open space at grade between the main building and the adjoining lot lines. In
1692 measuring a yard for the purpose of determining the width of a side yard, the depth of a front
1693 yard or the depth of a rear yard, the minimum horizontal distance between the lot line and the
1694 main building shall be used.

1695
1696 ~~200.~~ *Yard, front:* A yard extending across the front of a lot between the side lot lines and being the
1697 minimum horizontal distance between the street line and the principal building or any
1698 projections thereof, other than the projections of uncovered steps, uncovered balconies or
1699 uncovered porches. On corner lots and through lots, all sides of a lot adjacent to the street
1700 shall be considered a yard front. The front yard shall be considered as parallel to the street
1701 upon which the lot has its least dimension. For any lot adjacent to a body of water, as defined
1702 in section 6-16(3), the "front yard" shall be considered as the yard extending across that part
1703 of the lot between the side lot lines which is adjacent to the body of water and is the minimum
1704 horizontal distance between the body of water and the principal building or any projection
1705 thereof.

1706
1707 ~~201.~~ *Yard, rear:* A yard extending across the rear of a lot between the rear of the principal building
1708 or any projections thereof, other than the projections of uncovered steps, balconies or porches.
1709 On all corner lots, the rear yard shall be at the opposite end of the lot from the front yard.

1710
1711 ~~202.~~ *Yard, side:* A yard between the main building and the side line of the lot, extending from the
1712 front yard to the rear yard and being the minimum horizontal distance between a side lot line
1713 and the side of the main building or any projection thereof.

1714
1715 ~~203.~~ *Year:* The word "year" shall mean a calendar period of twelve (12) consecutive months, and
1716 may mean (subject to the context) a calendar year or a fiscal year.

1717
1718 Xeriscape: A set of garden design and landscape maintenance principles that promote good
1719 horticultural practices and efficient use of water. The term "xeriscape" is a registered trademark of
1720 the National Xeriscape Council and means water-conserving, drought-tolerant landscaping (see
1721 also Florida Friendly Landscaping, F.S. § 373.185(1)(b)).

1722
1723 Zero lot line: The location of a building on a lot in such a manner that one (1) or more of the
1724 building's sides rests directly on or immediately adjacent to the lot line.

1725

1726 Zoning administrator: the administrative official or agent responsible for administering zoning
1727 within the city.

1728
1729 204. Zoning department: The City of LaBelle building and zoning official. Where reference in this
1730 code is made to the building official, the building and zoning official or the zoning official, such
1731 reference shall mean the City of LaBelle building and zoning official, who is appointed by the city
1732 commission to enforce this code and all other land development regulations and to supervise the
1733 City of LaBelle zoning department, or the agent or representative of said official.

1734
1735 *****
1736

1737 **CHAPTER 4 – ZONING**

1738 **ARTICLE I. – IN GENERAL**

1739 **Sec. 4-1. - Definitions.** Defined terms contained in this section are provided in Section 2-4
1740 of this code.
1741

1742 ~~The following words, terms and phrases, when used in this chapter, shall have the meanings~~
1743 ~~ascribed to them in this section, except where the context clearly indicates a different meaning:~~

1744
1745 ~~*Accessory use or structure* shall mean a use or structure on the same lot with, and of a nature~~
1746 ~~customarily incidental and subordinate to, the principal use or structure.~~

1747
1748 ~~*Buildable area* shall mean the portion of a lot remaining after required yards have been~~
1749 ~~provided.~~

1750
1751 ~~*Drive in restaurant or refreshment stand* shall mean any place or premises used for sale,~~
1752 ~~dispensing, or serving of food, refreshments, or beverages in automobiles, including those~~
1753 ~~establishments where customers may serve themselves and may eat or drink the food,~~
1754 ~~refreshments, or beverages on the premises.~~

1755
1756 ~~*Dwelling, single family* shall mean a detached residential dwelling unit other than a mobile~~
1757 ~~home, designed for and occupied by one (1) family only.~~

1758
1759 ~~*Dwelling, mobile home* shall mean a detached residential dwelling unit designed for~~
1760 ~~transportation after fabrication on streets or highways on its own wheels or on flatbed or other~~
1761 ~~trailers, and arriving at the site where it is to be occupied as a dwelling complete and ready for~~
1762 ~~occupancy except for minor and incidental unpacking and assembly operations, location on jacks~~
1763 ~~or other temporary or permanent foundations, connections to utilities, and the like. A travel~~
1764 ~~trailer is not to be considered as a mobile home.~~

1765
1766 ~~*Dwelling, multiple family* shall mean a residential building designed for or occupied by~~
1767 ~~three (3) or more families, with the number of families in residence not exceeding the number~~
1768 ~~of dwelling units provided.~~

1769

1770 ~~*Dwelling unit* shall mean one (1) room or rooms connected together, constituting a separate,~~
1771 ~~independent housekeeping establishment for owner occupancy, or rental or lease on a weekly,~~
1772 ~~monthly, or longer basis, and physically separated from any other rooms or dwelling units which~~
1773 ~~may be in the same structure, and containing independent cooking and sleeping facilities.~~
1774

1775 ~~*Filling station* shall mean buildings and premises where gasoline, oil, grease, batteries,~~
1776 ~~tires, and automobile accessories may be supplied and dispensed at retail, and where in addition~~
1777 ~~the following services may be rendered and sales made, and no other:~~

1778 ~~(1) Sale and servicing of spark plugs, batteries, and distributors and distributor parts;~~

1779 ~~(2) Tire servicing and repair, but not recapping or regrooving.~~

1780 ~~(3) Replacement of mufflers and tailpipes, water hose, fan belts, brake fluid, light bulbs, fuses,~~
1781 ~~floor mats, seat covers, windshield wipers and wiper blades, grease retainers, wheel bearings,~~
1782 ~~mirrors, and the like;~~

1783 ~~(4) Radiator cleaning and flushing;~~

1784 ~~(5) Washing and polishing, and sale of automotive washing and polishing materials;~~

1785 ~~(6) Greasing and lubrication;~~

1786 ~~(7) Providing and repairing fuel pumps, oil pumps, and lines;~~

1787 ~~(8) Minor servicing and repair of carburetors;~~

1788 ~~(9) Emergency wiring repairs;~~

1789 ~~(10) Adjusting and repairing brakes;~~

1790 ~~(11) Minor motor adjustments not involving removal of the head or crankcase or racing the~~
1791 ~~motor;~~

1792 ~~(12) Sales of cold drinks, packaged foods, tobacco, and similar convenience goods for filling~~
1793 ~~station customers, as accessory and incidental to principal operation;~~

1794 ~~(13) Provision of road maps and other informational material to customers; provision of rest~~
1795 ~~room facilities;~~

1796 ~~(14) Uses permissible at a filling station do not include major mechanical and body work,~~
1797 ~~straightening of body parts, painting, welding, storage of automobiles not in operating~~
1798 ~~condition, or other work involving noise, glare, fumes, smoke, or other characteristics to an~~
1799 ~~extent greater than normally found in filling stations. A filling station is not a repair garage nor~~
1800 ~~a body shop.~~

1801
1802 ~~*Loading space, off street* shall mean space logically and conveniently located for bulk~~
1803 ~~pickups and deliveries, scaled to deliver vehicles expected to be used, and accessible to such~~
1804 ~~vehicles when required off street parking spaces are filled. Required off street loading space is~~
1805 ~~not to be included as off street parking space in computation of required off street parking space.~~
1806

1807 ~~*Lot* is a parcel of land of at least sufficient size to meet minimum zoning requirements for~~
1808 ~~use, coverage, and area, and to provide such yards and other open spaces as are herein required.~~
1809 ~~Such lot shall have frontage on an improved public street, or on an approved private street, and~~
1810 ~~may consist of:~~

1811 ~~(1) A single lot of record;~~

1812 ~~(2) A portion of a lot of record;~~

1813 ~~(3) A combination of complete lots of record, of complete lots of record and portions of lots of~~
1814 ~~record, or of portions of lots of record;~~

1815 ~~(4) A parcel of land described by metes and bounds; provided that in no case of division or~~
1816 ~~combination shall any residual lot or parcel be created which does not meet the requirements~~
1817 ~~of this chapter.~~

1818 ~~Lot includes the words "plot" or "parcel".~~

1819
1820 ~~Lot frontage shall be construed to be the portion nearest the street. For the purposes of~~
1821 ~~determining yard requirements on corner lots and through lots, all sides of a lot adjacent to the~~
1822 ~~street shall be considered frontage, and yards shall be provided as indicated under "yard" in this~~
1823 ~~section.~~

1824
1825 ~~Lot measurements:~~

1826 ~~(1) Depth of a lot shall be considered to be the distance between the midpoints of straight lines~~
1827 ~~connecting the foremost points of the side lot lines in front and the rearmost points of the side~~
1828 ~~lot lines in the rear.~~

1829
1830 ~~(2) Width. The horizontal distance between the side lot lines, measured at the front setback line~~
1831 ~~except for lots fronting on cul-de-sacs and curves of minimum forty five (45) degrees. Lots~~
1832 ~~fronting on cul-de-sacs and curves must have thirty (30) feet minimum frontage and are~~
1833 ~~required to meet all other requirements including but not limited to lot size, building area,~~
1834 ~~setbacks.~~

1835
1836 ~~Lot of record shall mean a lot which is part of a subdivision recorded in the office of the~~
1837 ~~city clerk, city recorder or a lot or parcel described by metes and bounds, the description of~~
1838 ~~which has been so recorded.~~

1839
1840 ~~Outdoor advertising business shall mean provision of outdoor displays or display space on~~
1841 ~~a lease or rental basis only.~~

1842
1843 ~~Parking space, off street shall consist of a space adequate for parking an automobile with~~
1844 ~~room for opening doors on both sides, together with properly related access to a public street or~~
1845 ~~alley and maneuvering room. Required off-street parking areas for three (3) or more automobiles~~
1846 ~~shall have individual spaces marked, and shall be so designed, maintained, and regulated that no~~
1847 ~~parking or maneuvering incidental to parking shall be on any public street, walk, or alley, and~~
1848 ~~so that any automobile may be parked and unparked without moving another. For purposes of~~
1849 ~~rough computation, an off-street parking space and necessary access and maneuvering room may~~
1850 ~~be estimated at three hundred (300) square feet, but off-street parking requirements will be~~
1851 ~~considered to be met only when actual spaces meeting the requirements above are provided and~~
1852 ~~maintained, improved in a manner appropriate to the circumstances of the case, and in~~
1853 ~~accordance with all ordinances and regulations of the city.~~

1854
1855 ~~Sign shall mean any device designed to inform or attract the attention of persons not on the~~
1856 ~~premises on which the sign is located, provided however, that the following shall not be included~~
1857 ~~in the application of the regulations herein:~~

1858 ~~(1) Signs not exceeding one (1) square foot in area and bearing only property numbers, post~~
1859 ~~box numbers, names of occupants of premises, or other identification of premises not having~~
1860 ~~commercial connotations;~~

- 1861 (2) ~~Flags and insignia of any government except when displayed in connection with commercial~~
1862 ~~promotion;~~
1863 (3) ~~Legal notices; identification, informational, or directional signs erected or required by~~
1864 ~~governmental bodies;~~
1865 (4) ~~Integral decorative or architectural features of buildings, except letters, trademarks, moving~~
1866 ~~parts, or moving lights;~~
1867 (5) ~~Signs directing and guiding traffic and parking on private property, but bearing no~~
1868 ~~advertising matter.~~

1869
1870 *Signs, number and surface area.* ~~For the purpose of determining number of signs, a sign~~
1871 ~~shall be considered to be a single display surface or display device containing elements~~
1872 ~~organized, related and composed to form a unit. Where matter is displayed in a random manner~~
1873 ~~without organized relationship of elements, or where there is reasonable doubt about the~~
1874 ~~relationship of elements, each element shall be considered to be a single sign. The surface area~~
1875 ~~of a sign shall be computed as including the entire area within a regular geometric form or~~
1876 ~~combinations of regular geometric forms constituting all of the display area of the sign and~~
1877 ~~including all of the elements of the matter displayed. Frames and structural members not bearing~~
1878 ~~advertising matter shall not be included in computation of surface area.~~

1879
1880 *Sign, on-site* shall mean a sign other than an on-site sign.

1881
1882 *Special exception* is a use that would not be appropriate generally or without restriction
1883 throughout the zoning division or district but which, if controlled as to number, area, location,
1884 or relation to the neighborhood, would promote the public health, safety, welfare, morals, order,
1885 comfort, convenience, appearance, prosperity, or general welfare. Such uses may be permitted
1886 in such zoning division or district as special exceptions, if specific provision for such special
1887 exceptions is made in this zoning ordinance.

1888
1889 *Street line* shall mean the right-of-way line of a street.

1890
1891 *Structure* shall mean anything constructed or erected with a fixed location on the ground,
1892 or attached to something having a fixed location on the ground. Among other things, structures
1893 include buildings, mobile homes, walls, fences, billboards, and poster panels.

1894
1895 *Travel trailer* shall mean a vehicular, portable structure built on a chassis, designed to be
1896 used as a temporary dwelling for travel and recreational purposes, having a body width not
1897 exceeding eight (8) feet.

1898
1899 *Used or occupied* include the words intended, designed, or arranged to be used or occupied.

1900
1901 *Variance* is a relation of the terms of the zoning ordinance where such variance will not be
1902 contrary to the public interest and where, owing to conditions peculiar to the property and not
1903 the result of the actions of the applicant, a literal enforcement of the ordinance would result in
1904 unnecessary and undue hardship. As used in this chapter, a variance is authorized only for height,
1905 area, and size of structure or size of yards and open spaces; establishment or expansion of a use

1906 otherwise prohibited shall not be allowed by variance, nor shall a variance be granted because
1907 of the presence of nonconformities in the zoning district or uses in an adjoining zoning district.
1908

1909 ~~Yard shall mean a required open space other than a court unoccupied and obstructed by any~~
1910 ~~structure or portion of a structure from thirty (30) inches above the general ground level of the~~
1911 ~~graded lot upward, provided however, that fences, walls, poles, posts, and other customary yard~~
1912 ~~accessories, ornaments, and furniture may be permitted in any yard subject to height limitations~~
1913 ~~and requirements limiting obstruction of visibility.~~
1914

1915 ~~Yard, front shall mean a yard extending between side lot lines across the front of a lot~~
1916 ~~adjoining a public street. In any required front yard, no fence or wall shall be permitted which~~
1917 ~~materially impedes vision across such yard above the height of thirty (30) inches, and no hedge~~
1918 ~~or other vegetation shall be permitted which materially impedes vision across such yard between~~
1919 ~~the heights of thirty (30) inches and ten (10) feet. In the case of corner lots and reversed frontage~~
1920 ~~corner lots, all sides of a lot adjacent to the street shall be considered yard front, and all yard~~
1921 ~~fronts shall have the full depth required generally in the applicable district.~~
1922

1923 ~~Yard, front depth of required yards shall mean a yard extending from the rear line of the~~
1924 ~~required front yard to the rear lot line, or in the absence of any clearly defined rear lot line, to~~
1925 ~~the point on the lot farthest from the intersection of the lot line involved with the public street.~~
1926 ~~In the case of through lots, side yards shall extend from the rear lines of front yards required. In~~
1927 ~~the case of corner lots, yards remaining after full yard fronts have been established shall be~~
1928 ~~considered side yards. The width of a required side yard shall be measured in such a manner that~~
1929 ~~the yard established is a strip of the minimum width required by district regulations with its inner~~
1930 ~~edge parallel with the rear lot line.~~
1931

1932 ~~Yard, rear shall mean a yard extending across the rear of the lot between inner side yard~~
1933 ~~lines. In the case of through lots and corner lots, there will be no rear yards, but only front and~~
1934 ~~side yards. Depth of a required rear yard shall be measured in such a manner that the yard~~
1935 ~~established is a strip of the minimum width required by district regulations with its inner edge~~
1936 ~~parallel with the rear lot line.~~
1937

1938 *****
1939

1940 **CHAPTER 4 – ZONING**

1941 **ARTICLE IV. –DISTRICT REGULATIONS**

1942 **Sec. 4-63. - RNU (Residential Neighborhood Urban) zone.**

1943 **4-63.2. Definitions.** Defined terms contained in this section are provided in Section 2-4
1944 of this code.
1945

1946 *Open space.* ~~An area or portion of land, either landscaped or essentially unimproved and~~
1947 ~~which is used to meet human recreational or spatial needs, or to protect water, air, or plant areas.~~
1948

1949 ~~Studio apartment. A residential unit that has only one (1) combined living and sleeping~~
1950 ~~room, said dwelling unit, however, may also have a separate room containing only kitchen~~
1951 ~~facilities and also a separate room containing only sanitary facilities.~~

1952 ~~Zero lot line. The location of a building on a lot in such a manner that one (1) or more of~~
1953 ~~the building's sides rests directly on or immediately adjacent to the lot line.~~

1954
1955 *****
1956

1957 **CHAPTER 4 - ZONING**

1958 **ARTICLE V. – SUPPLEMENTARY DISTRICT REGULATIONS**

1959 **Sec. 4-70. - Business and industrial zones.**

1960 **4-70.1. Definitions.** Defined terms contained in this section are provided in Section 2-4 of
1961 this code.

1962
1963 ~~Accessory alcoholic beverage sales. See Code of Ordinances, chapter 3.~~

1964
1965 ~~Accessory use. See Appendix B, section 4-1.~~

1966
1967 ~~Adult business. Any adult bookstore, adult hotel or motel, adult motion picture arcade, adult~~
1968 ~~motion picture theater, cabaret, sexual encounter center, or any other business or establishment~~
1969 ~~that offers its patrons services or entertainment characterized by an emphasis on matter~~
1970 ~~depicting, describing, or relating to specified sexual activities or specified anatomical areas, but~~
1971 ~~not including those uses or activities, the regulation of which is preempted by state law.~~

1972
1973 ~~Alcoholic beverage establishment. See Code of Ordinances, chapter 3.~~

1974
1975 ~~Amusement facilities. Any indoor or outdoor place that is maintained or operated for the~~
1976 ~~amusement, patronage, or recreation of the public to include any coin-controlled amusement~~
1977 ~~device of any description, such as, but not limited to, baseball, football, pinball amusements,~~
1978 ~~pool tables, miniature golf course, or driving range.~~

1979
1980 ~~Bars. See Code of Ordinances, chapter 3.~~

1981 ~~Bed and breakfast. See Appendix B, section 4-75.5.~~

1982
1983 ~~Building coverage. The gross area of a lot or parcel of land occupied by all of the ground~~
1984 ~~floor of a building or structure which is under roof. As a percentage, it is the relationship between~~
1985 ~~the ground floor area of the building under roof and the net area of the site.~~

1986
1987 ~~Clubs/lodges. An organization and its premises, catering exclusively to members and their~~
1988 ~~guests for social, intellectual, recreational, or athletic purposes that are conducted for profit;~~
1989 ~~includes lodges.~~

1990

1991 ~~*Cultural institution.* A library, museum, or similar public or quasipublic use displaying,~~
1992 ~~preserving, and exhibiting objects of community and cultural interest in one (1) or more of the~~
1993 ~~arts or sciences.~~

1994 ~~*Front yard.* See LDC [Land Development Code], Appendix B, subsection 2-4(3)200,~~
1995 ~~Definitions.~~

1996
1997 ~~*Height.* See LDC, Appendix B, subsection 2-4(3)27, Definitions.~~

1998 ~~*Hostel.* A place where travelers may stay for a limited duration, as recognized by the~~
1999 ~~International Hostel Association.~~

2000
2001 ~~*Hotel/motel.* A building, or group of buildings, containing living or sleeping~~
2002 ~~accommodations used only for transient occupancy.~~

2003
2004 ~~*Liquor stores.* See Code of Ordinances, chapter 3.~~

2005
2006 ~~*Maintenance and repair services.* Establishments primarily engaged in the provision of~~
2007 ~~maintenance and repair services to individuals and households, rather than businesses, but~~
2008 ~~excluding automotive and equipment repair use types. Typical uses include appliance repair~~
2009 ~~shops, shoe repair, watch or jewelry repair shops, or repair of musical instruments.~~

2010
2011 ~~*Manufacturing and fabrication.* The mechanical or chemical transformation of materials or~~
2012 ~~substances into new products, including the assembling of component parts, the creation of~~
2013 ~~products, and the blending of materials including, but not limited to, oils, plastics, resins, etc.~~

2014
2015 ~~*Municipal utilities.* Any closely regulated agency which, under public franchise or~~
2016 ~~ownership, or under certificate of convenience and necessity, provides the public with electricity,~~
2017 ~~gas, heat, steam, communication, rail transportation, water, sewage collection, or other similar~~
2018 ~~service.~~

2019 ~~*Outdoor storage area.* An area used or intended for the storage of materials, refuse or~~
2020 ~~vehicles and equipment not in service. Outdoor storage areas shall not incorporate any other~~
2021 ~~areas of project development such as parking areas, landscaping and yard areas, unless~~
2022 ~~specifically authorized by the applicable land use regulations.~~

2023
2024 ~~*Outdoor sales area.* An area of designated size used for the display of merchandise or~~
2025 ~~tangible property normally vended within the contiguous business or organization.~~

2026
2027 ~~*Pawnshops.* An establishment that engages, in whole or in part, in the business of loaning~~
2028 ~~money on the security of pledges of personal property, or deposits or conditional sales of~~
2029 ~~personal property, or the purchase or sale of personal property. A pawnshop shall not be deemed~~
2030 ~~a "retail sales establishment" except for the purposes of determining off-street parking and~~
2031 ~~buffering requirements.~~

2032
2033 ~~*Personal services.* An establishment or place of business primarily engaged in the provision~~
2034 ~~of frequent or recurrent needed services of a personal nature. Typical uses include, but are not~~
2035 ~~limited to, beauty shops and barbershops, shoe repair shops, and tailor shops.~~

2036

2037 ~~Private. Belonging to or restricted for the use or enjoyment of particular persons.~~
2038 ~~Public. Belonging or open to, enjoyed and used by and/or maintained for the public~~
2039 ~~generally, but not limited to, a facility, the control of which is wholly or partially exercised by~~
2040 ~~some governmental agency.~~
2041
2042 ~~Quasipublic use. A use owned or operated by a nonprofit, religious, or eleemosynary~~
2043 ~~institution, and providing educational, cultural, recreational, religious, or similar types of~~
2044 ~~programs.~~
2045
2046 ~~Retail sales establishment. A commercial enterprise that provides goods and/or services~~
2047 ~~directly to the consumer, where such goods are available for immediate purchase and removal~~
2048 ~~from the premises by the purchaser.~~
2049
2050 ~~Studio apartment. A dwelling unit containing only one (1) habitable room.~~
2051
2052 ~~Warehousing. Facilities characterized by extensive warehousing, frequent heavy trucking~~
2053 ~~activity, open storage of material, or nuisances such as dust, noise, and odors, but not involved~~
2054 ~~in manufacturing or production.~~
2055
2056 ~~Wholesale sales and distribution. An establishment or place of business primarily engaged~~
2057 ~~in selling and/or distributing merchandise to retailers; to industrial, commercial, institutional, or~~
2058 ~~professional business users, or to other wholesalers; or acting as agents or brokers and buying~~
2059 ~~merchandise for, or selling merchandise to, such individuals or companies. This is not considered~~
2060 ~~a general commercial use.~~
2061
2062 *****
2063

2064 **CHAPTER 4 - ZONING**

2065 **ARTICLE V. – SUPPLEMENTARY DISTRICT REGULATIONS**

2066 **Sec. 4-71.0. - Downtown business district.**

2067 **4-71.20.0 DEFINITIONS**

2068
2069 Defined terms contained in this section are provided in Section 2-4 of this code.
2070

2071 ~~**Accessory structure:** a building or structure subordinate to the principal building and used for~~
2072 ~~purposes customarily incidental to the main or principal building and located on the same lot or~~
2073 ~~set of attached lots therewith.~~
2074

2075 ~~**Administrative exception:** a ruling that would permit a practice that is not consistent with a~~
2076 ~~specific provision of this Code, but that is justified by its intent (section 4-71.1.0).~~
2077

2078 ~~**Alley:** a publicly or privately owned secondary way which affords access to the side or rear of~~
2079 ~~abutting property.~~

2080 **Arcade:** See definition, colonnade.
2081
2082 **Awning:** a roofed architectural projection supported entirely from the exterior wall of a building.
2083
2084 **Balcony:** a porch connected to a building on upper stories supported by either cantilever or
2085 brackets.
2086
2087 **Bed and breakfast:** an owner-occupied lodging type offering one (1) to five (5) bedrooms,
2088 permitted to serve breakfast in the morning to guests.
2089 **Block:** an increment of land composed of an aggregate of lots, tracts and alleys circumscribed
2090 by thoroughfares.
2091
2092 **Building frontage:** the vertical side of a building which faces the primary space or street and is
2093 built to the build-to line.
2094
2095 **Build-to-line:** a line parallel to the property line, along which a building shall be built.
2096
2097 **Civic:** the term defining not-for-profit organizations dedicated to arts, culture, education,
2098 recreation, government, transit, and municipal parking.
2099
2100 **Civic building:** a building operated by not-for-profit organizations dedicated to arts, culture,
2101 education, recreation, government, transit, and municipal parking, or for use approved by the
2102 legislative body.
2103
2104 **Civic space:** an outdoor area dedicated for public use. Civic space types are defined by the
2105 combination of certain physical constants including the relationships among their intended use,
2106 their size, their landscaping and their enfronting buildings.
2107
2108 **Clear zone:** an area beyond the curb radius, so specified, which shall be kept clear of all objects
2109 to provide emergency vehicle clearance.
2110
2111 **Colonnade or arcade:** a covered, open-air walkway at standard sidewalk level attached to or
2112 integral with the building frontage; overhead structure is supported architecturally by columns
2113 or arches along the sidewalk.
2114
2115 **Cornice:** the uppermost section of moldings along the top of a wall or just below a roof.
2116
2117 **Density:** the number of dwelling units within a standard measure of land area.
2118
2119 **DRC:** the downtown review committee as established in section 4-71.2.0, Authority.
2120 **Expression line:** horizontal building lines incorporated between the base, middle or top of the
2121 façade for the major part of the width of a façade, expressed by a variation in material or by a
2122 limited projection such as a molding or balcony.
2123
2124 **Façade:** the exterior wall of a building that is set along a build-to line.
2125

2126 ~~**Front porch:** a roofed area, attached at the ground floor level or first floor level, and to the~~
2127 ~~building frontage.~~
2128
2129 ~~**Frontage:** the area between a building façade and the vehicular lanes, inclusive of its built and~~
2130 ~~planted components.~~
2131
2132 ~~**Frontage percentage:** the percentage of the width of a lot that is required to be occupied by the~~
2133 ~~building's façade and within the setbacks established by the build-to-line.~~
2134
2135 ~~**Garden wall:** a freestanding wall along the property line dividing private areas from streets,~~
2136 ~~alleys, and or adjacent lots.~~
2137
2138 ~~**Height:** the vertical distance measured from the average finished grade at the base of a structure~~
2139 ~~to the midpoint of the roof. Height measurement for signs, fences, walls or other applicable~~
2140 ~~vertical elements shall be measured from the average grade at the base of a structure to the top~~
2141 ~~of the structure.~~
2142
2143 ~~**Hotel:** a lodging type, offering more than twelve (12) guest rooms for compensation, permitted to~~
2144 ~~serve breakfast in the mornings to guests.~~
2145
2146 ~~**Inn:** a lodging type, owner-occupied, offering six (6) to twelve (12) guest rooms for~~
2147 ~~compensation, permitted to serve breakfast in the mornings to guests.~~
2148
2149 ~~**Liner building:** a building specifically designed to mask a parking lot, parking structure or large~~
2150 ~~expanses of blank wall area in order to face the street space with a façade that has doors and~~
2151 ~~windows opening onto the sidewalk.~~
2152
2153 ~~**Live/work unit:** a mixed use unit, consisting of a commercial and residential use. It is intended~~
2154 ~~to be occupied by a business operator who lives in the same structure that contains the~~
2155 ~~commercial activity.~~
2156
2157 ~~**Lodging:** premises available for daily and weekly renting of guest rooms.~~
2158
2159 ~~**Lot:** a parcel of land accommodating a building or buildings of unified design.~~
2160
2161 ~~**Mixed use:** different uses in the same building or in multiple buildings by adjacency.~~
2162
2163 ~~**Non conforming:** a characteristic of a building, property or use that lawfully existed prior to the~~
2164 ~~enactment of the requirements of this chapter, but does not comply with the current requirements~~
2165 ~~of this chapter.~~
2166 ~~**Opacity:** not allowing light to pass through.~~
2167
2168 ~~**Park:** a civic space type that is a natural preserve available for unstructured recreation.~~
2169
2170 ~~**Plaza:** a civic space type designed for civic purposes and commercial activities, generally paved~~
2171 ~~and spatially defined by building frontages.~~

2172 **Principal building:** the main building on a lot.
2173
2174 **Rear alley:** a vehicular way located to the rear of lots providing access to service areas, parking
2175 and accessory structures and containing utility easements.
2176
2177 **Regulating plan:** a set of maps that show the transect zones, and special treatment areas
2178 regulated by this Code.
2179
2180 **Retail/retail storefront:** characterizing premises available for the sale of merchandise and food
2181 service.
2182
2183 **Rowhouse:** a single family dwelling that shares a party wall with another of the same type and
2184 occupies the full building frontage.
2185
2186 **Single room occupancy hostel:** a budget oriented, sociable accommodation where guests can
2187 rent individual rooms and typically share a bathroom and sometimes a kitchen.
2188
2189 **Stoop:** a small platform and/or entrance stairway at a house door, commonly covered by a
2190 secondary roof or awning.
2191
2192 **Story:** a habitable level within a building, excluding an attic.
2193
2194 **Storefront:** building frontage for the ground floor usually associated with retail uses.
2195
2196 **Substantial modification:** reconstruction or modification of a structure such that the collective
2197 reconstructions or modifications within any three year period are valued at more than either fifty
2198 thousand dollars (\$50,000.00) or a total of fifty (50) percent of the assessed value of the structure
2199 in the most recently certified tax rolls, whichever is greater.
2200
2201 **Square:** a civic space type designed for unstructured recreation and civic purposes, spatially
2202 defined by building frontages and consisting of paths, lawns and trees, formally disposed.
2203
2204 **Townhouse:** See rowhouse.
2205
2206 **Transect:** a cross section of the environment showing a range of different habitats ranging from
2207 rural to urban in physical form and character of place.
2208
2209 **Turning radius:** the curved edge of a thoroughfare at an intersection, measured at the inside
2210 edge of the vehicular tracking. The smaller the turning radius, the smaller the pedestrian crossing
2211 distance and the more slowly the vehicle is forced to make the turn.
2212
2213 **Variance:** a ruling that would permit a practice that is not consistent with either a specific
2214 provision or the intent of this Code.
2215
2216 *****
2217

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CHAPTER 4 - ZONING

ARTICLE V. – SUPPLEMENTARY DISTRICT REGULATIONS

Sec. 4-80. - Landscaping.

4-80.2. Definitions. Defined terms contained in this section are provided in Section 2-4 of this code.

~~*Buffer yard.* The required installation of landscaping and screening materials between zoning districts.~~

~~*Caliper.* The diameter of a tree, measured six (6) inches above the soil line if the resulting diameter is up to and including four (4) inches. If the resulting diameter is more than four (4) inches, the measurement is made at twelve (12) inches above the soil line.~~

~~*Clear trunk.* An industry term referring to that portion of the trunk maintained free of any branches. The clear trunk is the lower portion of the trunk measured from the soil line up to the first major branch.~~

~~*Clump.* Where three (3) or more young trees have been planted in a group and have grown together as a single tree having three (3) or more main stems or trunks.~~

~~*Development area.* All areas disturbed during construction.~~

~~*Diameter at breast height (DBH).* The diameter of a tree trunk in inches measured at four and one-half (4½) feet above the ground.~~

~~*Drip line.* An imaginary line extending from the average external boundary of a tree's canopy to the ground.~~

~~*Front yard.* See Appendix B, Chapter 2, section 2-4.200.~~

~~*Groundcover.* A plant growing less than two (2) feet in height at maturity that is used for ornamental purposes, alternatives to turf grasses and erosion control on slopes.~~

~~*IFAS.* Institute of Food and Agricultural Sciences.~~

~~*Impervious cover.* Any material which prevents, impedes, or slows infiltration or absorption of stormwater directly into the ground including building, asphalt, concrete, gravel, and other surfaces.~~

~~*Landscape architect.* A landscape architect licensed by the State of Florida.~~

~~*Landscape planting area.* An area that accommodates the installation of trees, shrubs, ground cover and turf grasses, consistent with the standards of section 4-80.~~

2262 ~~*Landscaping.* The process or product of installing plants for purposes of screening or~~
2263 ~~softening the appearance of a site, including grading and installation of plant materials.~~

2264
2265 ~~*Local street.* A street used primarily for access to abutting properties, providing for~~
2266 ~~minimum speeds and traffic volumes.~~

2267
2268 ~~*Motor vehicle.* Any self-propelled vehicle designed primarily for transportation of persons~~
2269 ~~or goods along public streets or alleys, or other public ways.~~

2270
2271 ~~*Multi-stem.* A tree having two or more trunks arising from the root collar or main trunk.~~

2272
2273 ~~*Native species.* A plant or animal that originally occurred in an area. (United States~~
2274 ~~Environmental Protection Agency)~~

2275
2276 ~~*Open space.* Land, public or private, which may be either unoccupied or predominately~~
2277 ~~unoccupied by buildings or structures, having use for parks, recreation, water management,~~
2278 ~~vegetation, agriculture, conservation, protection or preservation of water resources, historic or~~
2279 ~~scenic resources, green space, green belts, natural rivers and streams, forests, wetlands, beaches~~
2280 ~~and dunes, wildlife habitat, preserves, sanctuaries, reserves and refuges, and air and water.~~

2281
2282 ~~*Parking lot area.* An off-street, ground-level open area for the temporary storage of motor~~
2283 ~~vehicles, including paved parking spaces and drives and aisles for maneuvering, and providing~~
2284 ~~access for entrance and exit, developed in a way to accommodate the parking of motor vehicles.~~
2285 ~~Includes an area used exclusively for the display of motor vehicles for sale as part of an~~
2286 ~~automobile dealership.~~

2287
2288 ~~*Root collar.* An encircling structure of swollen tissue or a marked color change (from the~~
2289 ~~tree bark) located at the highest part of the root system joining into the trunk of a tree at or~~
2290 ~~slightly below the surrounding soil line.~~

2291
2292 ~~*Root protection area.* An area, to the tree drip line, in which limited construction may take~~
2293 ~~place for the purposes of establishing sidewalks, driveways, utility connections, sodding and~~
2294 ~~landscaping.~~

2295
2296 ~~*Shrub, large.* An upright plant growing to a mature height of more than ten (10) feet for use~~
2297 ~~as a natural ornamentation or screening.~~

2298
2299 ~~*Shrub, medium.* An upright plant growing to a mature height of five (5) to ten (10) feet, for~~
2300 ~~use as a natural ornamentation or screening.~~

2301
2302 ~~*Shrub, small.* An upright plant growing to a mature height of less than five (5) feet, for use~~
2303 ~~as a natural ornamentation or screening.~~

2304 ~~*Significant natural area.* An area of natural environment which adds character to a location~~
2305 ~~and which, if altered or damaged, cannot be artificially replaced. These areas typically include~~
2306 ~~native species.~~

2307 ~~Significant oak tree. Any Live Oak, Laurel Oak or Water Oak of at least twelve-inch caliper~~
2308 ~~measured at DBH. If a tree is oblong in shape, the average of the widest point and the narrowest~~
2309 ~~point measured at DBH shall be taken to determine size.~~

2310 ~~Spread. A term used to indicate the horizontal width of a shrub or the crown of a tree.~~

2311
2312 ~~Tree. A perennial woody plant, with single or multi-trunks, with few if any branches on its~~
2313 ~~lower part.~~

2314
2315 ~~Tree, large. A tree species that normally reaches a height of thirty (30) feet or more upon~~
2316 ~~maturity.~~

2317
2318 ~~Tree, medium. A tree species that normally reaches a height exceeding fifteen (15) feet but~~
2319 ~~less than thirty (30) feet upon maturity.~~

2320
2321 ~~Tree, small. A tree species that normally reaches a height of less than fifteen (15) feet upon~~
2322 ~~maturity.~~

2323
2324 ~~Tree removal. The destruction of any tree by cutting, girdling, interfering with the water~~
2325 ~~supply, applying chemicals, or regrading around the base of the trunk. The removal, felling, or~~
2326 ~~destruction of fifty (50) percent or more of a tree, but does not include trimming branches for~~
2327 ~~tree maintenance purposes.~~

2328
2329 ~~Trunk. That portion of a stem or stems of a tree before branching occurs.~~

2330
2331 ~~Vehicle use area. See Parking lot area.~~

2332
2333 ~~Xeriscape. A set of garden design and landscape maintenance principles that promote good~~
2334 ~~horticultural practices and efficient use of water. The term "xeriscape" is a registered trademark~~
2335 ~~of the National Xeriscape Council and means water conserving, drought tolerant landscaping~~
2336 ~~(see also Florida Friendly Landscaping, F.S. § 373.185(1)(b)).~~

2337
2338 **4-80.3 – 4-80.15 No change**

2339
2340 **4-80.16. Tree protection.**

2341
2342 **4-80.16.1. Intent.** It is the intent of the city commission to protect and preserve mature,
2343 native trees, particularly significant oak trees as defined in Sec. 2-4 of this code, within the
2344 City of LaBelle. The city commission has determined that the protection and preservation
2345 of the oak tree canopy provided by the native oak trees, commonly known as Live Oaks,
2346 Laurel Oaks and Water Oaks is important to the health, safety and welfare of the residents
2347 of the City of LaBelle, and recognizes the importance of maintaining and renewing the
2348 canopy for future generations. The canopy also provides an ambiance that has been a factor
2349 in attracting visitors and new residents. Loss of this significant canopy will negatively
2350 affect the city, both physically and fiscally. Therefore, the city commission has determined
2351 that preservation and replacement of these trees is in the best interest of the City of LaBelle
2352 to protect its vision as the “The City Under the Oaks”.

2353 While the priority of the city is to preserve and protect significant oaks, it is not the city's
2354 intent to restrict the reasonable development of property. Through application, an applicant
2355 may propose an alternative to the requirements of the land development code in an effort
2356 to preserve significant oak trees. The city commission will determine whether the
2357 preservation of such trees meets the intent of this Code with regard to health, safety and
2358 welfare.

2359
2360 **4-80.16.2. Applicability.** This section applies to all development and redevelopment of land
2361 within the City, including the development and redevelopment of single-family dwellings
2362 on existing lots of record.

2363
2364 **4-80.16.3. Exceptions.** Exceptions to the requirement for a tree removal permit are as
2365 follows:

2366 A. Natural emergencies or disasters. Upon declaration of a state of emergency
2367 by the city mayor or city commission, issuances of permits for the removal of
2368 damaged trees may be waived by the city superintendent of public works. Such
2369 waiver may not be for an indefinite period and shall expire when the mayor or city
2370 commission determines that emergency conditions have ended.

2371 B. Dead oak trees. If the superintendent of public works or his designee
2372 determines that a tree is dead, then no permit shall be required. Replacement trees
2373 shall not be required if the oaks on the subject property meet or exceed the current
2374 tree requirement of the landscape code.

2375
2376 **4-80.16.24. Tree removal/relocation permit required.** A significant oak tree may not be
2377 removed or relocate without a tree removal permit. Tree removal permits may be issued by
2378 the building official or designee, or by application to the city commission, as set forth in
2379 this section.

2380
2381 **4-80.16.24.1. Administrative tree removal permit.**

2382
2383 a. Administrative approval criteria. Removal or relocation of significant oak
2384 trees may be approved administratively by the Superintendent of Public Works or
2385 their assigns, upon a finding that the oak tree(s) satisfies at least one (1) of the
2386 following **in addition to required mitigation per 4-80.16.5:**

- 2387
2388 1. Poses a safety hazard due to structural damage to the property, or due to
2389 health of the tree.
2390 2. Has been weakened by disease, age, storm, fire or other injury; is determined
2391 dead; or is in such a significant state of decline that death is imminent based.
2392 3. Is so disfigured that it no longer represents a healthy specimen.
2393 4. ~~Is no longer living or is in such a significant state of decline that death is~~
2394 ~~imminent.~~
2395 ~~5.~~ 4. Is required in order to obtain property insurance. Proof in writing shall be
2396 required.
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2441

b. Administrative tree removal application requirements.

~~1. Applications requesting removal due to structural damage shall include verification from a certified engineer in the State of Florida that the significant oak tree(s) is currently or will in the near future cause structural damage to existing structures. Verification will include identification of the tree(s) causing structural problems, and will provide an explanation of the concern. Written verification will be sealed by the engineer of record.~~

~~At the discretion of the city staff reviewer, applications requesting removal of a significant tree(s) due to a decline in health may require verification of claim(s) from a qualified tree. An expert shall be an individual, in the State of Florida, that is: an official horticulturalist with IFAS, a certified horticulturalist, a master gardener, a licensed landscape architect certified in the State of Florida, certified arborist, or an urban forester. The verification letter shall identify the weakened tree(s) and shall provide an explanation of the problem, and state the qualifications of the tree expert.~~

Administrative applications shall be initiated by submittal of an administrative tree removal application and the associated application materials and will include the following additional information:

1. The location and type of significant oak tree(s) proposed for removal or relocation;
2. Administrative applications requesting removal due to structural damage shall include verification from a certified engineer in the State of Florida that the significant oak tree(s) is currently or will in the near future cause structural damage to existing structures. Verification will include identification of the tree(s) causing structural problems, and will provide an explanation of the concern. Written verification will be sealed by the engineer of record.
3. Administrative applications requesting removal of a significant oak tree(s) due to a decline in health require verification of claim(s) from a qualified tree. An expert shall be an individual, in the State of Florida, that is: an official horticulturalist with IFAS, a certified horticulturalist, a master gardener, a licensed landscape architect certified in the State of Florida, certified arborist, or an urban forester. The verification letter shall identify the weakened tree(s) and shall provide an explanation of the problem, and state the qualifications of the tree expert.
4. Description of method of removal or relocation to be used; and
5. Planting plan and narrative describing required mitigation in accordance with Sec. 4-80.16.5.

2442 **4-80.16.24.2. ~~Tree removal permit by application to~~ requiring city commission**
2443 **approval.** Through application to the city commission, ~~the city commission will an~~
2444 ~~applicant may consider a request for tree~~ the removal or relocation **of significant**
2445 **oak trees that do not meet the criteria for administrative approval pursuant to this**
2446 **section.**

2447
2448 a. Criteria for permits requiring city commission approval.

2449
2450 The criteria provided below must be met for consideration of approval of a tree
2451 removal application by the city commission:

- 2452
- 2453 1. The applicant shall demonstrate that the significant oak tree(s) prevents the
2454 reasonable development of the site; and:
 - 2455
 - 2456 2. That relief from other land development code requirements, such as reduced
2457 setbacks or parking lot layout, are not reasonable alternatives for tree
2458 preservation; and
 - 2459
 - 2460 3. That any ~~exceptions~~ approval for significant oak tree removal or relocation
2461 granted by the city commission for the preservation of significant oak tree(s)
2462 ~~shall~~ does not adversely impact adjacent properties.
 - 2463
 - 2464 6. **Demonstration of the required mitigation in accordance with this in**
2465 **accordance with Sec. 4-80.16.5.**

2466
2467 b. Application requirements for permits requiring city commission approval.

2468
2469 ~~Application consideration by city commission via tree removal application.~~
2470 Application shall be initiated by submittal of a public hearing tree removal
2471 application and the associated application materials and will include the
2472 following additional information:

- 2473
- 2474 1. The location and type of significant oak tree(s) proposed for removal or
2475 relocation;
 - 2476 2. A statement (narrative) addressing the following:
 - 2477 a. Why the significant oak tree(s) prevents reasonable development, and
 - 2478 b. What alternatives the applicant has considered and why these
2479 alternatives cannot be used:
 - 2480 3. Demonstration of consideration of relief from other land development code
2481 requirements that might enable development to proceed and avoid tree
2482 removal;
 - 2483 4. Description of method of removal or relocation to be used; and
 - 2484 5. Description of how other significant oak trees or groups of trees will be
2485 protected during any approved tree removal or relocation and any associated
2486 construction or clearing, where applicable.
 - 2487 **12. Planting plan and narrative describing required mitigation.**

2488 **4-80.16.24.3. Removal or relocation approval in conjunction with public hearing**
2489 **development approval.** When tree removal or relocation is contemplated in
2490 conjunction with development requiring public hearing approval, including but not
2491 limited to of a special exception, rezoning (including Planned Unit Development
2492 rezonings), development plan or subdivision plat, such removal or relocation shall
2493 be considered by the city commission as part of the development review process and
2494 a separate tree removal application is not necessary. Consideration by the city
2495 commission shall be based upon the criteria established in section 4-80.16.2.2.
2496 Development plans and/or plats must include tree removal application materials as
2497 described in section 4-80.16.3.

2498
2499 ~~**4-80.16.52.4. Required Mmitigation.** Through tree removal application, the city~~
2500 ~~commission may also consider relief of requirements of the land development code~~
2501 ~~to preserve native oak trees that have less than twelve inch but more than six inch~~
2502 ~~caliper, measured at DBH through the tree removal application process. The criteria~~
2503 ~~for consideration shall be the same as described in section 4-80.16.2.2. Where~~
2504 ~~significant oak tree(s) are approved for removal under this section, including~~
2505 ~~administrative approval and tree removal permits requiring city commission~~
2506 ~~approval, mitigation must be provided as follows:~~

- 2507 1. Replacement tree(s) must be a Live Oak specimen.
- 2508 2. One (1) replacement tree(s) is required for each significant oak tree removed
2509 from the site. The replacement Live Oak tree must be at minimum: ten (10) feet
2510 in height, contain a four (4) foot spread, and have two (2) inch caliper at time
2511 of planting.
- 2512 3. All replacement tree(s) shall be balled and burlapped, tree spaded or
2513 containerized.
- 2514 4. Replacement tree(s) shall be located in approximately the same location as the
2515 significant tree, unless such location would be unreasonable under the
2516 circumstances.
- 2517 5. Where replacement tree(s) are proposed to be planted off-site, the request must
2518 be approved by the city commission.
- 2519 6. Where the Applicant proposes a payment-in-lieu of replanting oak tree(s) in
2520 accordance with this section (either on-site or off-site), the request must be
2521 approved by the city commission.
- 2522 7. The superintendent of public works or their designee shall inspect the property
2523 upon completion of all mitigation permitted pursuant to this article to determine
2524 compliance. The enforcing official shall then reinspect the property
2525 approximately one (1) month thereafter and then at four-month intervals to
2526 ensure compliance. If at any time the enforcing official determines that the
2527 corrective action is not successful, he/she shall notify the owner and/or resident
2528 of the property as provided in this section.

2530 ~~**4-80.16.2.5. Exceptions.** Exceptions to the requirement for a tree removal permit are~~
2531 ~~as follows:~~

2532 A.— *Natural emergencies or disasters.* Upon declaration of a state of emergency by
2533 the city mayor or city commission, issuances of permits for the removal of damaged
2534 trees may be waived by the city superintendent of public works. Such waiver may
2535 not be for an indefinite period and shall expire when the mayor or city commission
2536 determines that emergency conditions have ended.

2537
2538 B.— *Dead oak trees.* If the superintendent of public works or his designee determines
2539 that a tree is dead, then no permit shall be required. Replacement trees shall not be
2540 required if the oaks on the subject property meet or exceed the current tree
2541 requirement of the landscape code.

2542
2543 4-80.16.3. *Application for tree removal permit.*

2544
2545 4-80.16.3.1. *Tree removal permit—Administrative issuance.*

2546 1.— Application requesting removal due to structural damage shall include
2547 verification from a certified engineer in the State of Florida that the
2548 significant oak tree(s) is currently or will in the near future cause structural
2549 damage to existing structures. Verification will include identification of the
2550 tree(s) causing structural problems, and will provide an explanation of the
2551 concern. Written verification will be sealed by the engineer of record.

2552 2.— At the discretion of the city staff reviewer, application requesting removal
2553 of a significant tree(s) due to a decline in health may require verification of
2554 claim(s) from a qualified tree expert. An expert shall be an individual, in the
2555 State of Florida, that is: an official horticulturalist with IFAS, a certified
2556 horticulturalist, a master gardener, a licensed landscape architect certified
2557 in the State of Florida, certified arborist, or an urban forester. The
2558 verification letter shall identify the weakened tree(s) and shall provide an
2559 explanation of the problem, and state the qualifications of the tree expert.

2560
2561 4-80.16.3.2. *Application consideration by city commission via tree removal*
2562 *application.* Application shall be initiated by submittal of a tree removal
2563 application and the associated application materials and will include the
2564 following additional information:

2565 1.— The location and type of significant oak tree(s) proposed for removal or
2566 relocation;

2567 2.— A statement (narrative) addressing the following:
2568 a.— Why the significant oak tree(s) prevents reasonable
2569 development, and

2570 b.— What alternatives the applicant has considered and why
2571 these alternatives cannot be used;

2572 3.— Demonstration of consideration of relief from other land development
2573 code requirements that might enable development to proceed and avoid
2574 tree removal;

2575 4.— Description of method of removal or relocation to be used; and

2576 5.—Description of how other significant oak trees or groups of trees will be
2577 protected during any approved tree removal or relocation and any
2578 associated construction or clearing.
2579

2580 **4-80.16.6. Attachments to trees prohibited.** No attachments or wires other than those of
2581 a protective and nondamaging nature shall be attached to any tree.
2582

2583 **4-80.16.7 Enforcement**
2584

2585 **4-80.16.7.1. Enforcing officials.** The city superintendent of public works shall designate
2586 such person or persons as may be necessary to administer and enforce the provisions of
2587 this chapter.
2588

2589 **4-80.16.7.2. Authority to enter on private property.** Those persons designated to
2590 administer and enforce the provisions of this chapter may, in the performance of such
2591 functions and duties, enter upon any land and make such inspections, examinations and
2592 surveys as are required for the proper administration and enforcement hereof and may
2593 obtain any necessary search warrants therefore.
2594

2595 **4-80.16.7.3. Violations deemed public nuisance.** The provisions of this chapter are
2596 deemed to be necessary for the protection of the public health, safety and welfare and for
2597 the protection of the peaceful use and enjoyment of any lands by the owners thereof, and
2598 any violation of the terms of this chapter is declared by the city commission to constitute a
2599 public nuisance.
2600

2601 **4-80.16.7.4.** Whenever the enforcing official finds any violation of the provisions of this
2602 ordinance, he/she shall institute enforcement proceedings as follows:
2603

2604 1. **Notice.** The enforcing official shall issue a code violation to the owner of the property
2605 which shall be given either by personal delivery or by deposit in the United States mail
2606 in an envelope marked certified mail (certificate of mailing), postage prepaid,
2607 addressed to the owner as listed on the current tax assessor's tax roll. The notice of
2608 code violation shall include:
2609

- 2610 a. **A location of the property either by street address or legal description.**
- 2611 b. **A statement indicating the nature of the violation and the reason or reasons why**
2612 **the notice of violation is issued.**
- 2613 c. **A specification of the subsection or subsections on which violation is based.**
- 2614 d. **If corrective action will bring the violation into compliance with these sections,**
2615 **a statement of the nature and extent of such action, repairs or alterations**
2616 **necessary to remedy the violation in accordance with the performance standards**
2617 **provided herein. The city Shall specify the time for performing such actions,**
2618 **such time not to be less than ten (10) nor more than thirty (30) days.**
- 2619 e. **The name or names of persons upon whom the notice of violation is served.**

2620 f. A statement advising that the city may institute legal proceedings as provided
2621 herein.

2622 **4-80.18.5. Appeals and variances.** An appeal to the City Commission of the decision of
2623 the enforcing official or a petition for special exception as provided in the City of LaBelle
2624 Code, if applicable, stay further proceedings by the enforcing official until final disposition
2625 by the City Commission.

2626
2627 **4-80.18.6. Failure to comply.** If corrective action is not taken within the time specified in
2628 the notice of violation, or if an appeal is taken and corrective action is not taken in
2629 accordance with the decision of the City Commission, then the enforcing official may
2630 institute further proceedings as provided by the enforcement provisions of this chapter.

2631 *****
2632 *****
2633 *****

2634 CHAPTER 4 - ZONING

2635 ARTICLE V. – SUPPLEMENTARY DISTRICT REGULATIONS

2636 Sec. 4-81. - Signs.

2637
2638 **4-81.2. Definitions.** Defined terms contained in this section are provided in Section 2-4 of
2639 this code.

2640 *Abandoned sign:*

2641
2642 ~~(a) A sign pertaining to or associated with an event, business, or purpose which is no longer~~
2643 ~~ongoing and which has been inactive or out of business for a period of one hundred eighty (180)~~
2644 ~~consecutive days or longer;~~

2645 ~~(b) A sign which contains structural components but no display for a period of one hundred~~
2646 ~~eighty (180) consecutive days or longer.~~

2647
2648 ~~*Animated sign:* Any sign that uses movement or change of lighting to depict action or create~~
2649 ~~a special effect or scene.~~

2650
2651 ~~*Banner:* Any sign of lightweight fabric or similar material that is securely mounted to a~~
2652 ~~pole or a building. National flags, state or municipal flags, or the official flag of any institution~~
2653 ~~or business shall not be considered banners.~~

2654
2655 ~~*Beacon:* Any light with one (1) or more beams directed into the atmosphere or directed at~~
2656 ~~one (1) or more points not on the same lot as the light source; also, any light with one (1) or~~
2657 ~~more beams that rotate or move.~~

2658
2659 ~~*Building marker:* Any sign indicating the name of a building, date, and/or incidental~~
2660 ~~information about its construction, which sign is cut into a masonry surface or made of bronze~~
2661 ~~or other permanent material.~~

2663 ~~*Building sign:* Any sign attached to any part of a building, as contrasted to a freestanding~~
2664 ~~sign.~~

2665
2666 ~~*Canopy sign:* Any sign that is a part of or attached to an awning, canopy, or other fabric,~~
2667 ~~plastic, or structural protective cover over a door, entrance, window, or outdoor service area. A~~
2668 ~~marquee is not a canopy.~~

2669
2670 ~~*Changeable copy sign:* A sign or portion thereof with characters, letters, or illustrations that~~
2671 ~~can be changed or rearranged without altering the face or the surface of the sign. A sign on which~~
2672 ~~the message changes more than eight (8) times per day shall be considered an animated sign and~~
2673 ~~not a changeable copy sign for purposes of this chapter. A sign on which the only copy that~~
2674 ~~changes is an electronic or mechanical indication of time or temperature shall be considered a~~
2675 ~~"time and temperature" portion of a sign and not a changeable copy sign for purposes of this~~
2676 ~~ordinance.~~

2677
2678 ~~*Commercial message:* Any sign wording, logo, or other representation that, directly or~~
2679 ~~indirectly, names, advertises, or calls attention to a business, product, service, or other~~
2680 ~~commercial activity.~~

2681
2682 ~~*Direct lighting:* Internally illuminated by lights projected through a transparent or~~
2683 ~~translucent sign surface.~~

2684
2685 ~~*Directional/informational sign:* An incidental sign designed to guide or direct pedestrian or~~
2686 ~~vehicular traffic, to specify procedures, or to warn of hazards. Directional/informational signs~~
2687 ~~may contain a company name or logo, if such name or logo enhances the~~
2688 ~~directional/informational message of the sign.~~

2689
2690 ~~*Flag:* Any fabric, banner, or bunting containing distinctive colors, patterns, or symbols,~~
2691 ~~used as a symbol of a government, political subdivision, or other entity.~~

2692
2693 ~~*Freestanding/monument sign:* Any sign supported by structures or supports that is placed~~
2694 ~~on or anchored in the ground, and that is independent from any building or other structure.~~

2695
2696 ~~*Groundmounted sign:* A freestanding sign where the base of the sign structure is on the~~
2697 ~~ground or a maximum of twenty four (24) inches above the adjacent ground.~~

2698
2699 ~~*Incidental sign:* A sign, generally informational, that has a purpose secondary to the use of~~
2700 ~~the lot on which it is located, such as "no parking", "entrance", "loading only", "telephone", and~~
2701 ~~other similar directives. No sign with a commercial message legible from a position off the lot~~
2702 ~~on which the sign is located shall be considered incidental.~~

2703
2704 ~~*Indirect lighting:* Illuminated by a light source that is located externally to the sign surface.~~
2705 ~~This method of lighting may include, but is not limited to, spotlighting or backlighting.~~

2706
2707 ~~*LED:* A sign which is formed by the configuration of light emitting diodes.~~

2708

2709 ~~*Lumen:* The unit used to measure the actual amount of light that is produced by a bulb.~~

2710
2711 ~~*Marquee:* Any permanent roof-like structure projecting beyond a building or extending~~
2712 ~~along and projecting beyond the wall of the building, generally designed and constructed to~~
2713 ~~provide protection from the weather.~~

2714
2715 ~~*Marquee sign:* Any sign attached to, in any manner, or made a part of a marquee.~~

2716
2717 ~~*Mural:* Any picture, scene or diagram painted on any exterior wall or fence devoid of~~
2718 ~~commercial messages.~~

2719
2720 ~~*Neon sign:* Any sign which is formed by luminous or gaseous tubes in any configuration,~~
2721 ~~and such tubes are visible.~~

2722
2723 ~~*Nonconforming sign:* A sign lawfully erected and maintained prior to the adoption, revision~~
2724 ~~or amendment of this ordinance that does not conform with the requirements of this ordinance.~~

2725
2726 ~~*Off-premises sign:* Any sign which advertises an activity not conducted on the premises~~
2727 ~~upon which the sign is located, except as otherwise provided for within this Code.~~

2728
2729 ~~*Pennant:* Any lightweight plastic, fabric, or other material, whether or not containing a~~
2730 ~~message of any kind, suspended from a rope, wire, or string, usually in series, designed to move~~
2731 ~~in the wind.~~

2732
2733 ~~*Portable sign:* A sign not permanently attached to the ground or other permanent structure,~~
2734 ~~or a sign designed to be transported, including trailer signs (as herein defined), but not including~~
2735 ~~signs converted to A-frames or T-frames, menu or sandwich board signs, balloons used as signs,~~
2736 ~~umbrellas used for advertising, and signs attached to or painted on vehicles parked and visible~~
2737 ~~from the public right-of-way, unless said vehicle is used in the normal day-to-day operations of~~
2738 ~~business.~~

2739
2740 ~~*Projecting sign:* Any sign affixed to a building or wall in such a manner that its leading~~
2741 ~~edge extends more than six (6) inches beyond the surface of such building or wall.~~

2742
2743 ~~*Reader board:* A sign or part of a sign on which the letters are readily replaceable such that~~
2744 ~~the copy can be changed from time to time at will.~~

2745
2746 ~~*Residential sign:* Any sign located in a district for residential uses.~~

2747
2748 ~~*Roof sign:* Any sign erected and constructed wholly on and over the roof of a building,~~
2749 ~~supported by the roof structure, and extending vertically above the highest portion of the roof.~~
2750 ~~Roof signs, as defined herein, are not permitted.~~

2751
2752 ~~*Roof sign, integral:* Any sign erected or constructed as an integral or essentially integral~~
2753 ~~part of a normal roof structure of any design, such that no part of the sign extends vertically~~

2754 above the highest portion of the roof and such that no part of the sign is separated from the rest
2755 of the roof by a space of more than six (6) inches.

2756
2757 ~~Sign: Any device, fixture, placard, or structure that uses any color, form, graphic,~~
2758 ~~illumination, symbol, or writing to advertise, announce the purpose of, or identify the purpose~~
2759 ~~of a person or entity, or to communicate information of any kind to the public.~~

2760
2761 ~~Sign area: The entire face of a sign, including the advertising surface and any framing, trim~~
2762 ~~or molding. The frame or structural members may be considered as part of the sign area if it is~~
2763 ~~so designed with lighting or other ornamentation that is incorporated for the sign design.~~

2764
2765 ~~Sign face: The part of the sign that is or can be used to identify, advertise or communicate~~
2766 ~~information or visual representation that attracts the attention of the public for any purpose. The~~
2767 ~~frame or structural members may be considered as part of the sign face if it is so designed with~~
2768 ~~lighting or other ornamentation that is incorporated for the sign design.~~

2769
2770 ~~Sign setback line: An imaginary line created by this ordinance to establish an easily~~
2771 ~~determined setback from any public thoroughfares for the placement of certain temporary signs.~~

2772
2773 ~~Streamer: A streamer is defined the same as a pennant for purposes of this ordinance.~~

2774
2775 ~~Suspended sign: A sign that is suspended from the underside of a horizontal plane surface~~
2776 ~~and is supported by such surface.~~

2777
2778 ~~Temporary sign: A sign installed for a limited time and not constructed or intended for~~
2779 ~~longterm use.~~

2780
2781 ~~Trailer sign: Any sign designed to be transported by means of wheels, whether or not the~~
2782 ~~wheels remain attached, located on the ground and permanently attached thereto, and which is~~
2783 ~~usually a two-sided sign and including any single surface or double surface painted or postered~~
2784 ~~panel type sign, or any variation thereof.~~

2785
2786 ~~Wall sign: Any sign attached parallel to, but within six (6) inches of a wall, painted on the~~
2787 ~~wall surface of, or erected and confined within the limits of an outside wall of any building or~~
2788 ~~structure which is supported by such wall or building, and which displays only one (1) sign~~
2789 ~~surface.~~

2790
2791 ~~Window sign: Any sign, pictures, symbol, or combination, thereof, designed to~~
2792 ~~communicate information about an activity, business, commodity, event, sale or service, that is~~
2793 ~~placed inside a window or upon the window panes or glass and is visible from the exterior of the~~
2794 ~~window.~~

2795
2796 *****
2797

2798

2799

CHAPTER 4 - ZONING

2800

ARTICLE V. – SUPPLEMENTARY DISTRICT REGULATIONS

2801

4.85.1.1 Solar energy system.

2802

2803

2804

(1) Purpose. The purpose of this regulation is to promote the safe, effective and efficient use of installed solar energy systems that reduce on-site consumption of utility-supplied energy while protecting the health, safety and welfare of adjacent and surrounding properties. These provisions seek to integrate alternative energy systems into the city's neighborhoods and landscapes without diminishing quality of life, and to provide property owners with flexibility in satisfying their on-site energy needs, reducing overall energy demands, thereby promoting energy efficiency.

2809

2810

2811

(2) Definitions. Defined terms contained in this section are provided in Section 2-4 of this code.

2812

2813

~~Ground Mounted Solar Energy System~~—An SES that is structurally mounted to the ground and is not roof mounted; may be of any size (Level 1, 2, or 3).

2814

2815

~~Photovoltaic System~~—An active SES that converts solar energy directly into electricity.

2816

~~Roof Mounted Solar Energy System~~—An SES that is structurally mounted to the roof of a building or structure; may be of any size (Level 1, 2, or 3).

2817

~~Solar Collector~~—A device, structure or a part of a device or structure for which the primary purpose is to transform solar radiant energy into thermal, mechanical, chemical or electrical energy.

2822

~~Solar Energy~~—Radiant energy received from the sun that can be collected in the form of heat or light by a solar collector.

2825

~~Solar Energy System (SES)~~—The components and subsystems required to convert solar energy into electric or thermal energy suitable for use. The area of the system includes all the land inside the perimeter of the system, which extends to any fencing. The term applies, but is not limited to, solar photovoltaic (PV) systems, solar thermal systems, and solar hot water systems. A system fits into one (1) of three (3) system types: Level 1 SES, Level 2 SES, and Level 3 SES.

2828

~~Level 1 Solar Energy System~~—Level 1 SESs include the following:

2835

~~• Roof-mounted on any code-compliant structure.~~

2836

~~• Ground-mounted on an area of up to fifty (50) percent of the footprint of the primary structure on the property but no more than one (1) acre.~~

2837

~~• Covering permanent parking lot and other hardscape areas.~~

2838

~~• Building integrated solar (i.e., shingle, hanging solar, canopy, etc.).~~

2839

~~Level 2 Solar Energy System~~—Level 2 SES's are ground-mounted systems not included in Level 1 that meet the area restriction per zoning district type as listed below:

2840

- 2844 • ~~Agricultural/Residential: SES less than or equal to one-half (1/2) acre ($\leq 1/2$ acre)~~
- 2845 • ~~Commercial/Business: SES less than or equal to ten (10) acres (≤ 10 acres)~~
- 2846 • ~~Office-Institutional: SES less than or equal to ten (10) acres (≤ 10 acres)~~
- 2847 • ~~Industrial: SES of any size~~
- 2848 **Level 3 Solar Energy System**—~~Level 3 SESs are systems that do not satisfy the parameters~~
- 2849 ~~for a Level 1 or Level 2 Solar Energy System.~~
- 2850
- 2851 **Solar Thermal System**—~~An SES that uses collectors to convert the sun's rays into useful forms~~
- 2852 ~~of energy for water heating, space heating, or space cooling.~~
- 2853
- 2854
- 2855 *****
- 2856

2857 **CHAPTER 4 - ZONING**

2858 **ARTICLE V. – SUPPLEMENTARY DISTRICT REGULATIONS**

2859 **Sec. 4-86. - Tattoo regulation.**

2860

2861 **4-86.2. Definitions.** Defined terms contained in this section are provided in Section 2-4 of

2862 this code.

2863

2864 ~~*Cosmetic tattooing*—also called permanent makeup. See definition of tattoo/tattoo art (state~~

2865 ~~proposed definition).~~

2866

2867 ~~*Body piercing*—for commercial purposes, the act of penetrating the skin to make, generally~~

2868 ~~permanent in nature, a hole, mark, or scar. Body piercing does not include the use of a~~

2869 ~~mechanized, presterilized ear piercing system that penetrates the out perimeter or lobe of the ear~~

2870 ~~or both. [F.S. § 381.0075(a), as amended]~~

2871

2872 ~~*Guest tattoo artist*—a person who is licensed, registered or certified to practice tattooing in~~

2873 ~~a jurisdiction outside of Florida who is registered with the Florida State Department of Health~~

2874 ~~to practice tattooing in this state. A guest artist registration is not transferable and is valid for~~

2875 ~~fourteen (14) days. [F.S. § 381.00791(3), as amended]~~

2876 ~~*Tattoo or tattoo art*—a mark or design made on or under the skin of a human being by a~~

2877 ~~process of piercing and ingraining a pigment, dye or ink in the skin. [F.S. § 381.00791(6), as~~

2878 ~~amended]~~

2879

2880 ~~*Tattoo establishment*—a place or premise, whether public or private, temporary or~~

2881 ~~permanent in nature or location, where the practice of tattooing is performed. [F.S. §~~

2882 ~~381.00771(8), as amended]~~

2883

2884 ~~*Tattoo artist*—any person who conducts or practices body art procedures as defined in F.S.~~

2885 ~~§ 381.0071, including an artist who performs cosmetic tattooing.~~

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CHAPTER 4 - ZONING

ARTICLE VI. – NONCONFORMING USES

Sec. 4-108. - Nonconforming uses of land or land with minor structures only.

Where at the time of passage of the ordinance from which this chapter was derived lawful use of land exists which would not be permitted by the regulations imposed by the ordinance from which this chapter was derived, and where such use involves no individual structure with a replacement cost exceeding one thousand dollars (\$1,000.00), the use may be continued so long as it remains otherwise lawful, provided:

- (1) No such nonconforming use shall be enlarged or increased, nor extended to occupy a greater area of land than was occupied at the effective date of adoption or amendment of the ordinance from which this chapter was derived;
- (2) No such nonconforming use shall be moved in whole or in part to any portion of the lot or parcel other than that occupied by such use at the effective date of adoption or amendment of the ordinance from which this chapter was derived;
- (3) If any such nonconforming use of land ceases for any reason for a period of more than thirty (30) days six (6) months, any subsequent use of such land shall conform to the regulations specified by this chapter for the district in which such land is located;
- (4) No additional structure not conforming to the requirements of this chapter shall be erected in connection with such nonconforming use of land;
- (5) The regulations imposed by this section shall not apply to real property and structures located thereon, utilized exclusively for public library purposes, and single-family dwelling units in existence on May 9, 2019 in B-1, B-2 and Downtown Business District (DBD) zoning districts, which may be rebuilt, enlarged or increased subject to the property development regulations for the zoning district and all other applicable regulations in this code.

CHAPTER 4 - ZONING

ARTICLE VIII. – AIRPORT ZONING

Sec. 4-156. - Definitions. Defined terms contained in this section are provided in Section 2-4 of this code.

~~The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:~~

~~*Accident potential hazard area* shall mean an area within five thousand (5,000) feet of the approach or departure end of a runway or in proximity to an airport in which aircraft may~~

2926 maneuver after takeoff or before landing and are subject to the greatest potential to crash into a
2927 structure or the ground.

2928
2929 ~~*Airport* shall mean the LaBelle Airport.~~

2930
2931 ~~*Airport elevation* shall mean the highest point of the airport's usable land area measured in
2932 feet above mean sea level.~~

2933
2934 ~~*Airport obstruction* shall mean any structure or object of natural growth or use of land
2935 which would exceed the federal obstruction standards as contained in 14 C.F.R. §§ 77.21, 77.23,
2936 77.25 and 77.28 or which obstructs the airspace required for flight of aircraft in landing and
2937 takeoff at an airport or is otherwise hazardous to such landing or takeoff of aircraft.~~

2938
2939 ~~*Airspace height* shall mean to determine the height limits in all zones set forth in this article,
2940 the datum shall be mean sea level elevation (AMSL) unless otherwise specified.~~

2941
2942 ~~*Decision height* shall mean the height at which a decision must be made, during an ILS
2943 instrument approach, to either continue the approach or to execute a missed approach.~~

2944
2945 ~~*Minimum en route altitude* shall mean the altitude in effect between radio fixes which
2946 assures acceptable navigational signal coverage and meets obstruction clearance requirements
2947 between those fixes.~~

2948
2949 ~~*Minimum obstruction clearance altitude* shall mean the specified altitude in effect between
2950 radio fixes on VOR airways, off airway routes, or route segments which meets obstruction
2951 clearance requirements for the entire route segment and which assures acceptable navigational
2952 signal coverage only within twenty two (22) miles of a VOR.~~

2953
2954 ~~*Nonconforming use* shall mean any preexisting structure, object of natural growth or use of
2955 land which is inconsistent with the provisions of this article.~~

2956
2957 ~~*Nonprecision instrument runway* shall mean a runway having a nonprecision instrument
2958 approach procedure utilizing air navigation facilities with only horizontal guidance, or area type
2959 navigation equipment, for which a straight in nonprecision instrument approach procedure has
2960 been approved or planned, and for which no precision approach facilities are planned or indicated
2961 on an FAA planning document or military service's military airport planning document.~~

2962
2963 ~~*Runway* shall mean a defined area on an airport prepared for landing and takeoff of aircraft
2964 along its length.~~

2965
2966 ~~*Structure* shall mean any object constructed or installed by man, including but not limited
2967 to buildings, towers, smokestacks, utility poles and overhead transmission lines.~~

2968
2969 ~~*Utility runway* shall mean a runway that is constructed for an intended to be used by
2970 propeller driven aircraft of twelve thousand five hundred (12,500) pounds maximum gross
2971 weight and less.~~

2972 ~~Visual runway shall mean a runway intended solely for the operation of aircraft using visual~~
2973 ~~approach procedures with no straight in instrument approach procedure and no instrument~~
2974 ~~designation indicated on an FAA approved airport layout plan, a military services approved~~
2975 ~~military airport layout plan, or by any planning document submitted to the FAA by competent~~
2976 ~~authority.~~

2977
2978 ~~Zoning administrator shall mean the administrative official or agent responsible for~~
2979 ~~administering zoning within the city.~~

2980 *****

2981
2982
2983 **CHAPTER 5 - SUBDIVISIONS**

2984
2985 **ARTICLE I. - IN GENERAL**

2986
2987 **Sec. 5-1. - Definitions.** Defined terms contained in this section are provided in Section 2-4 of
2988 this code.

2989
2990 ~~The following words, terms and phrases, when used in this chapter, shall have the meanings~~
2991 ~~ascribed to them in this section, except where the context clearly indicates a different meaning.~~
2992 ~~Words used in the present tense shall include the future tense; words use in the singular number~~
2993 ~~shall include the plural number and words used in the plural number shall include the singular~~
2994 ~~number; the word "shall" is mandatory, not directive.~~

2995
2996 ~~Alley shall mean a right of way providing a secondary means of access and service to~~
2997 ~~abutting property.~~

2998 ~~Block shall mean a tier or group of lots within well defined and fixed boundaries, usually~~
2999 ~~an area surrounded by streets or other physical barriers and having an assigned number or letter~~
3000 ~~through which it may be identified.~~

3001
3002 ~~Building setback line shall mean a line across a lot establishing the minimum open space to~~
3003 ~~be provided between the building and the property lines, shore lines, mean high water lines or~~
3004 ~~other boundaries of a building site.~~

3005
3006 ~~Collector street shall mean a street which carries traffic from minor streets to thoroughfares,~~
3007 ~~including the principal entrance streets of a residential development and street's circulation~~
3008 ~~within such development.~~

3009
3010 ~~Commission or city commission shall mean the city commission of the City of LaBelle,~~
3011 ~~Florida.~~

3012
3013 ~~Comprehensive plan shall mean the City of LaBelle Comprehensive Plan or any portion~~
3014 ~~thereof.~~

3016 ~~*Crosswalk* shall mean a right of way within a block dedicated to public use, intended~~
3017 ~~primarily for pedestrian use, from which motor vehicles are excluded from standing or parking,~~
3018 ~~and which is designed to provide access to adjacent roads, lots, or public use areas.~~

3019
3020 ~~*Cul-de-sac* shall mean a minor street with only one (1) outlet terminating at one (1) end~~
3021 ~~with a circular turnaround.~~

3022
3023 ~~*Easement* shall mean a strip reserved for public utilities, drainage and other public purposes,~~
3024 ~~the title to which shall remain in the property owner, subject to the right of use designated in the~~
3025 ~~reservation.~~

3026
3027 ~~*Engineer* shall mean a professional engineer registered, certified and licensed to practice in~~
3028 ~~the State of Florida.~~

3029
3030 ~~*Health department* shall mean the State of Florida, Department of Health and Rehabilitative~~
3031 ~~Services as applicable, in accordance with the Florida Statutes.~~

3032
3033 ~~*Land surveyor or surveyor* shall mean a land surveyor registered and licensed under Florida~~
3034 ~~Statutes Chapter 472 who is in good standing with the state board of examiners.~~

3035
3036 ~~*Local thoroughfares* shall mean those routes intended to carry moderate volumes of traffic~~
3037 ~~for distances less than regional thoroughfares.~~

3038
3039 ~~*Lot* shall mean a tract or parcel, and means the least fractional part of subdivided land~~
3040 ~~having limited fixed boundaries, having an assigned number, letter, or other name through which~~
3041 ~~it may be identified.~~

3042
3043 ~~*Marginal access street* shall mean a street which is parallel to and adjacent to limited access~~
3044 ~~highways and thoroughfares, and which provides access to abutting properties.~~

3045
3046 ~~*Minor streets* shall mean those streets the primary function of which is to provided access~~
3047 ~~and service to abutting property. This includes access and services to residential, business,~~
3048 ~~industrial and public uses.~~

3049
3050 ~~*Planning board* shall mean the City of LaBelle planning and zoning board.~~

3051
3052 ~~*Planning department* shall mean the planning, zoning and building department of the City~~
3053 ~~of LaBelle.~~

3054
3055 ~~*Plat* shall mean a map depicting the division or subdivision of land into lots, blocks, parcels,~~
3056 ~~tracts or other portions thereof, however the same may be designated, prepared in accordance~~
3057 ~~with the provisions of this regulation and those of any applicable Florida Statutes, and which~~
3058 ~~may be designated to be placed on record in the public records of Hendry County, Florida. Used~~
3059 ~~as a verb, "plat" in whatever tense used, shall mean to divide or subdivide land into lots, blocks,~~
3060 ~~parcels, tracts, or other portions thereof, however the same may be designated.~~

3061

3062 ~~Regional thoroughfares shall mean those routes intended to carry large volumes of traffic~~
3063 ~~for major distances through Hendry County and/or the City of LaBelle.~~

3064
3065 ~~Right of way shall mean land dedicated or deeded, used or to be used for a street, alley,~~
3066 ~~walkway, boulevard, drainage facility or access for ingress and egress or for other purposes by~~
3067 ~~the public or for certain designated individuals or governing bodies.~~

3068
3069 ~~Roads shall mean those traffic routes officially designated as federal or state highway~~
3070 ~~routes, also referred to as primary and secondary roads.~~

3071
3072 ~~Street shall mean any access way such as a street, road, lane, highway, avenue, boulevard,~~
3073 ~~alley, parkway, viaduct, circle, court, terrace, place or cul-de-sac and also includes all other land~~
3074 ~~lying between the right-of-way lines as delineated on a plat showing such street whether~~
3075 ~~improved or unimproved, but shall not include those access ways such as easements and rights-~~
3076 ~~of-way intended solely for limited utility purposes, such as for electric power lines, gas lines,~~
3077 ~~telephone lines, water lines or drainage and sanitary sewers and easements for ingress and egress.~~

3078
3079 ~~Subdivide shall mean, in whatever tense used, the division or subdivision of any real~~
3080 ~~property, improved or unimproved, or any portion thereof, shown on the latest adopted city tax~~
3081 ~~roll as a unit or as contiguous units, which is divided for the purpose of sale, lease, or financing,~~
3082 ~~whether immediate or future; by any subdivider into three (3) or more parcels, or if a new street~~
3083 ~~is involved, any division of a parcel of land; provided that this definition shall not apply to:~~

3084 ~~(1) Financing or leasing of apartments, offices, stores or similar space within an apartment~~
3085 ~~building, industrial building, commercial building, or a rental trailer park.~~

3086 ~~(2) Any conveyance of land to a governmental agency, public entity or a public utility shall not~~
3087 ~~be considered a division of land for purposes of computing the number of parcels.~~

3088 ~~(3) The division of any real property improved or unimproved or a portion thereof shown on~~
3089 ~~the latest adopted city tax roll as a unit or as a contiguous units, which is divided for the purpose~~
3090 ~~of sale, lease or financing, whether immediate or future, if any of the following conditions~~
3091 ~~prevail;~~

3092 ~~a. The property before division is divided such that each parcel created by the division abuts~~
3093 ~~upon a public street or highway and no dedications or improvements required by this regulation~~
3094 ~~need be installed.~~

3095 ~~b. Any real property divided into lots, blocks, parcels, tracts or other portions thereof, however~~
3096 ~~the same may be designated, each of a gross area of ten (10) acres or more and each of which~~
3097 ~~has an approved access to a public street or highway and does not conflict with the~~
3098 ~~comprehensive city plan. An approved access is an ingress and egress easement having a~~
3099 ~~minimum width of sixty (60) feet conveyed with the sale of real property divided into~~
3100 ~~increments of three (3) parcels or more, and providing access to a public street or highway.~~
3101 ~~Such access to a public street or highway should be in accordance with this regulation and~~
3102 ~~approved by the city commission.~~

3103 ~~c. Any parcel or parcels of land divided into lots or parcels, each of a gross area of forty (40)~~
3104 ~~acres or more, or each of which is a quarter-quarter section or larger.~~

3105 ~~d. Any division of land for the purpose of conveying real property to members of the~~
3106 ~~immediately family of the owner or record as a gift or in the settlement of an estate.~~

3108 ~~Subdivider shall mean any individual, firm, association, syndicate, partnership, corporation,~~
3109 ~~trust or any other legal entity commencing proceedings under this regulation to effect a~~
3110 ~~subdivision of land hereunder.~~

3111
3112 ~~Subdivision shall mean the division or subdivision of land into lots, blocks, parcels, tracts~~
3113 ~~or other portion thereof, however the same may be designated.~~
3114 ~~(Code 1967, § 19A-5.1)~~

3115
3116 *****

3117
3118 **CHAPTER 6 – NATURAL RESOURCES**

3119
3120 ***Sec. 6-2. – Natural resource management***

3121
3122 ***6-2.02. Specific definitions.*** Defined terms contained in this section are provided in Section
3123 2-4 of this code, except for the following terms.

3124
3125 ~~Administrator or development administrator means the official designated by the city~~
3126 ~~commission as the official responsible for the administration of the land development code.~~

3127
3128 *Adverse impact* means any impact which would be counter to the purpose and intent or to
3129 the specific provisions of this chapter. For the purposes of this chapter, the following are
3130 examples of adverse impacts:

3131
3132 (1) Any significant reduction in the quality of surface water reaching a wetland, a body of
3133 water (other than a body of water specifically created to treat runoff), including increases
3134 in suspended sediments, pesticide residues, or other pollutants which would affect the
3135 ability of the wetland or other water body to continue to function in its natural state; or

3136
3137 (2) Any significant increase or reduction in the quantity of surface water reaching a
3138 wetland or other body of water, such that the increase or reduction would affect the ability
3139 of native plant and/or animal species to continue to thrive; or

3140
3141 (3) Introduction of incompatible land uses in close proximity to a natural resource
3142 management area, such that the activities associated with the adjoining land uses would
3143 threaten the natural operation of the natural resource management area (an example being
3144 the presence of domesticated pets which, if allowed to enter a habitat area might threaten
3145 native species therein), or such that normal activities necessary in the management of the
3146 natural resource management area would be considered a nuisance to the adjoining land
3147 uses; or

3148
3149 (4) Operation of activities and/or handling of hazardous materials in such a way as to
3150 increase the potential for pollution of aquifers supplying potable water; or

3152 (5) Introduction of incompatible land uses and/or structures or disturbance of historically
3153 significant structures in such a way as to reduce the cultural, historical, aesthetic, and/or
3154 educational value of such structures or of archeological sites.

3155 The nature and extent of what constitutes an "adverse impact" is a function
3156 of the nature and extent of the natural resource management area in question.
3157 Generally, all development activities located within five hundred (500) feet
3158 of a natural resource management area shall be reviewed to determine if they
3159 create an adverse impact.

3160
3161 *Hazardous substance* means any hazardous or toxic substance (including degradation and
3162 interaction products) which, because of quality, concentration, or physical, chemical (including
3163 ignitability, corrosivity, reactivity, and toxicity), and/or infectious characteristics,
3164 radioactivity, mutagenicity, carcinogenicity, teratogenicity, bioaccumulative effect, persistence
3165 (nondegradability) in nature, or any other characteristic relevant to a particular material that may
3166 cause significant harm to human health or the environment (including surface and ground water,
3167 plants, or animals).

3168
3169 For the purposes of this chapter, activities associated with hazardous substances shall not
3170 be regulated unless the quantities involved exceed the following:

3171
3172 (4) The aggregate sum of all quantities of any one (1) hazardous substance on a single parcel
3173 (if stored out of doors) or in a single building (if stored indoors) exceeds one hundred ten (110)
3174 gallons if the substance is a liquid, or one thousand one hundred (1,100) pounds if the substance
3175 is a solid; or (2) When no single substance exceeds the above referenced limits but the aggregate
3176 of all hazardous substances present on a single parcel or in a single building exceeds one
3177 hundred ten (110) gallons if the substance is a liquid, or one thousand one hundred (1,100)
3178 pounds if the substance is a solid.

3179
3180 ~~*Historic property* means any prehistoric or historic district site, building, object or other
3181 real or personal property of historical, architectural, or archaeological values, and folklife
3182 resources (F.S. § 267.021(3)).~~

3183
3184 ~~*Natural resource* means coastal waters, wetlands, estuaries, tidal flats, beaches, lands
3185 adjoining seacoasts of the state, and all living things except human beings (F.S. § 376.121).~~

3186
3187 *Natural resource management area* means an area located within the City of LaBelle
3188 characterized by one (1) or more of the following:

3189
3190 (1) A wetland (connected or isolated) and including wetland fringe areas which are essential
3191 for maintaining the hydroperiod of the wetland. For the purposes of this chapter, wetlands shall
3192 be as established under the rules of the Florida Department of Environmental Regulation
3193 (FDEP). Fringe areas shall be all areas within twenty-five (25) feet of designated wetlands,
3194 unless a larger specific fringe area is established by either the FDEP; or
3195 (2) A wetland or upland habitat for a species listed as either "threatened" or "endangered" by
3196 the Florida Fish and Wildlife Conservation Commission. For the purposes of this chapter, the

3197 location of habitat areas shall be as established by the Fish and Wildlife Conservation
3198 Commission based on area-wide studies or studies of individual sites; or
3199 (3) An area within e five hundred (500) feet of a potable water wellfield; or
3200 (4) An area within five hundred (500) feet of a historic structure or site or a known or suspected
3201 archaeological site which is eligible for listing on the National Register of Historic Places. For
3202 the purposes of this chapter, a site will be considered eligible if it is listed on the National
3203 Register or if it is included on the Master Archaeological Site File maintained by the Bureau of
3204 Historic Preservation, Florida Secretary of State.

3205
3206 ~~Wellfield means an area containing one (1) or more wells used, whether on a continuous,~~
3207 ~~intermittent, or occasional basis, for public water supply, and including any area designated for~~
3208 ~~future development of such wells by the City Commission.~~

3209
3210 ~~Wellhead protection area means an area designated by the Department of Environmental~~
3211 ~~Protection consisting of a five hundred foot radial distance around a potable water well where~~
3212 ~~ground water is provided the most stringent protection measures to protect the ground water~~
3213 ~~source for a potable water well and includes the surface and subsurface area surrounding the~~
3214 ~~well [62-521.200, FDEP].~~

3215
3216 ~~Wetland means those areas that are inundated or saturated by surface water or groundwater~~
3217 ~~at a frequency and a duration sufficient to support, and under normal circumstances do support,~~
3218 ~~a prevalence of vegetation typically adapted for life in saturated soils (F.S. § 373.019(25)).~~
3219 ~~(Ord. No. 2011-06, 9-8-11)~~

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3222 *****

3223
3224