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**ORDINANCE
NUMBER 2020-07**

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AN ORDINANCE OF THE CITY OF LABELLE, FLORIDA; AMENDING THE CITY OF LABELLE LAND DEVELOPMENT CODE, CHAPTER 2, LANGUAGE AND DEFINITIONS; AMENDING ARTICLE IV, DISTRICT REGULATIONS, SECTION 4-63, RNU (RESIDENTIAL NEIGHBORHOOD URBAN) ZONE, AND SECTION 4-76(B), BUSINESS AND INDUSTRIAL PROPERTY DEVELOPMENT REGULATIONS; AMENDING ARTICLE V, SUPPLEMENTARY DISTRICT REGULATIONS, SECTION 4-88, OPEN SPACE AND NATIVE PRESERVATION; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

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RECITALS

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

WHEREAS, the City Commission recognizes the need for standards for open space and the preservation of native vegetation in developments to uphold the City's vision for a well-planned and attractively built environment; and

WHEREAS, the City of LaBelle desires to maintain minimum regulations to ensure the protection of public health, safety and welfare; and

WHEREAS, the proposed ordinance was properly advertised and has received public hearings before the Local Planning Agency on May 14, 2020 and the City Commission on June 11, 2020 and July 9, 2020; and

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

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

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

Section 2. **Amendment to the City Code.** Chapter 2, Section 2-4, Language and Definitions; Article IV, District Regulations, Sections 4-63 and 4-76(B); and Article V, Supplementary Regulations, Section 4-88, of the City of LaBelle Land Development Code are hereby amended with the following provisions:

47 LAND DEVELOPMENT CODE

48 CHAPTER 2 – LANGUAGE AND DEFINITIONS

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51 Sec. 2-4. – Definition of terms.

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53 *[ENTIRE SECTION NOT INCLUDED TO REDUCE LENGTH OF DOCUMENT]*

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55 Open space means ~~an area or portion of land, either landscaped or essentially unimproved~~
56 ~~and which is used to meet human recreational or spatial needs, or to protect water, air, or plant~~
57 ~~areas; areas that are not occupied by buildings, parking areas, streets, driveways or similar~~
58 ~~impervious surfaces, and which may be developed with recreational amenities designed to~~
59 ~~encourage the use and enjoyment of the space either privately or by the general public. Open space~~
60 ~~includes pervious areas in privately-owned lots. Examples of open space include areas of preserved~~
61 ~~indigenous native vegetation; areas replanted with vegetation after construction; waterbodies;~~
62 ~~lawns; landscaped areas and greenways; outdoor recreational facilities; and other similar public~~
63 ~~spaces.~~

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65 Open space, usable means active or passive recreation areas such as parks, playgrounds,
66 sports courts, golf courses, nature trails and other similar open spaces that are accessible to the
67 general public, or in the case of private developments, those areas outside of privately-owned lots
68 that are accessible by the residents of the development.

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71 CHAPTER 4 – ZONING

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73 ARTICLE IV. – DISTRICT REGULATIONS

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

76 4-63.1. *Purpose and intent. [No Change]*

77 4-63.2. *Definitions. [No Change]*

78 4-63.3. *[No Change]*

79 4-63.4. *Residential development standards.* In addition to the development standards
80 established below, see Appendix B, section 4-76(a), residential property development standards.

81 1. *Garages.* Whenever possible, garages or carports shall either be detached or shall face
82 the side or rear lot line. If this is not possible, the garage or carport shall be recessed no
83 less than three (3) feet from the front of the principal structure. In no instance shall the
84 garage or carport be closer to the frontage street lot line than the front of the principal
85 structure.

86 2. *Roofs.*

87 (a) Principal structures shall have a roof slope no flatter than a 5:12 pitch.

88 (b) The roof of the principal structure shall include at least one (1) of the following:

- 89 (1) At least one (1) dormer facing the street, if applicable to roof style.
 90 (c) Roof eaves shall project from the building wall a minimum of twelve (12) inches,
 91 measured horizontally, on at least the front and side elevations.

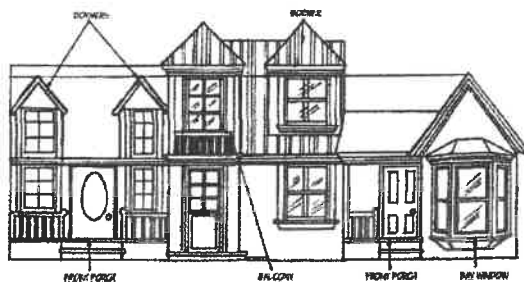
92 3. *Windows and entryways.*

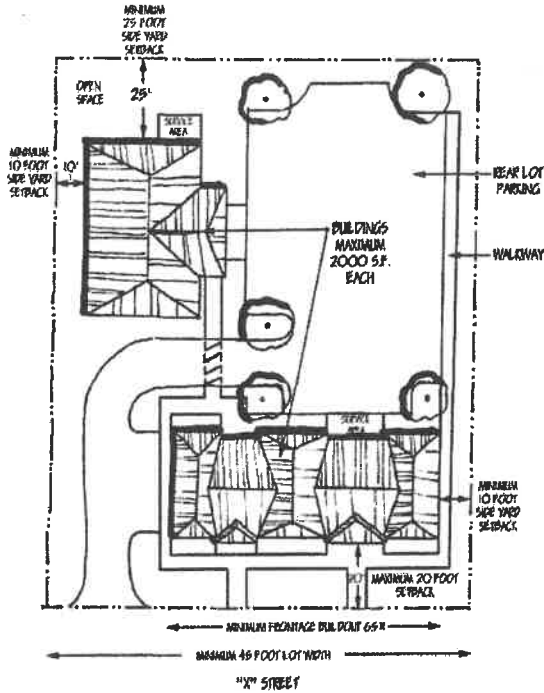
- 93 (a) At least fifteen (15) percent of the area of a street-facing facade must include
 94 windows and main entryways.
 95 (b) Windows shall be square or vertical, at least as tall as it is wide; however two (2)
 96 or more vertical windows may be grouped together to provide a horizontal opening.
 97 Sunburst style windows are acceptable, as long as they meet these shape
 98 requirements.
 99 (c) Trim is required on all faces of the exterior. For example: shutters, stucco trim
 100 around windows or stucco band around the building.

101 4. *Porches and balconies.*

- 102 (a) The principal structure shall include a front porch or stoop at all main entrances that
 103 face a street.
 104 (b) All required porches that face a street shall be covered by a solid roof with a
 105 minimum pitch of 3:12. If the roof of a required porch is developed as a deck or
 106 balcony, it may be flat.
 107 (c) Single-family detached porches shall be a minimum of forty-eight (48) square feet.
 108 (d) Duplexes, triplexes, quadraplexes and other multifamily dwelling units shall
 109 include at least two (2) of the following architectural elements:
 110 (1) Dormers;
 111 (2) Front porches;
 112 (3) Bay windows;
 113 (4) Balconies.

114 Required porches shall be a minimum of forty-eight (48) square feet. If the main entrance
 115 is for more than one (1) dwelling, the covered area provided by the porch shall be at least
 116 sixty (60) square feet.





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2. Parking areas for new buildings or structures shall be located in the rear or side of the principal structure. This subsection shall not apply to buildings that exist at the time of establishment of the RNU zoning district.

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3. Buildings shall contain ground level fenestration such as transparent windows, or openings at street level and shall conform to the commercial design standards established in LDC Appendix B, Article V.5, section 4-90.

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4. Service entrances or service yards shall be located only in the rear or side yard of the business use and shall be screened from adjacent residential uses by the installation and maintenance of a solid wall or fence with a minimum height of four (4) feet, or a vegetative hedge having a minimum mature height of four (4) feet. Trash receptacles shall be located at the rear of the site and shall be screened from view with a wall or fence and a gate.

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A walkway shall extend from the sidewalk or street to the main entrance. The walkway shall be no less than five (5) feet in width and shall be constructed of concrete or landscape pavers.

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5. All driveways and parking areas shall be constructed of a hard surface such as concrete, asphalt, landscape pavers or equivalent. Gravel, loose rock or mulch are not acceptable materials.

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6. ~~A minimum of twenty (20) percent of the gross site area shall be maintained as open space.~~

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160 Sec. 4-76(b). - Business and industrial property development regulations.

| Use | District | Minimum Parcel Size | Buildable Area | Minimum Lot Width | Minimum Yards/Setbacks | | | Maximum Height (2),(3) (feet) | Open Space (% of total site acreage) | |
|------------|-----------------------|---------------------|---------------------------------|-------------------|--------------------------------------------|-------------------------------|----------------|-------------------------------------|-----------------------------------------|----|
| | | | | | Right-of-Way and/or Front (1) (feet) | Side (feet) | Rear (feet) | | | |
| B-1 | Business Professional | 5,000 s.f. | <i>Max. Floor Area</i> | 50 | 10 | 5 | 10 | 40 | <5,000 s.f. | 10 |
| | | | | | | | | | 5,001—10,000 s.f. | 12 |
| | | | | | | | | | 10,001—20,000 s.f. | 15 |
| | | | | | | | | | >20,000 s.f. | 20 |
| B-2 | Business General | 10,000 s.f. | <i>Building Coverage</i> 40% | 100 | 20 | 5 interior/ 20 street side | 15 | 40 | 30% | |
| | | | | | | | | | 20% | |
| B-3 | Business Heavy | 15,000 s.f. | 40% | 100 | 20 | 5 interior/ 20 street side | 15 | 40 | 20% | |
| I-1A & I-1 | Light Industrial | 20,000 s.f. | 60% | 100 | 20 | 10 interior /20 | 15 | 45 | 20% | |

| | | | | | | | | | |
|-----|---------------------|----------------|-----|-----|----|----------------|----|-------------------|----------------|
| | | | | | | street side | | | |
| I-2 | Heavy Industrial | 20,000 s.f. | 60% | 100 | 20 | 5 | 15 | 45 ⁽⁴⁾ | 15% |

- 161 (1) No more than one double row of parking and associated drive aisle is permitted within the front yard.
- 162 (2) See Appendix B, § 4-1, Definitions.
- 163 (3) See Appendix B, § 4-85.6, Exceptions to height regulations.
- 164 (4) Subject to airport height guidelines.

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

169 **Sec. 4-88. – Open space and native vegetation preservation.**

- 172 (a) Open space requirements. Open space and usable open space for developments must
173 be provided in developments and redevelopment projects in accordance with this
174 section, unless a lesser amount is permitted by conditions of a Planned Unit
175 Development zoning ordinance.
- 177 (i) Open space shall be required for any residential or non-residential development or
178 redevelopment, excluding the following: agricultural activities; single-family
179 dwelling(s) on either lawfully platted or recorded lot(s); and duplex residential
180 structure(s) on either lawfully platted or recorded lot(s).
- 182 (ii) For the purposes of this section, small projects are those developments under two
183 (2) acres in size. Large projects are those projects two (2) acres in size or greater.
- 185 (iii) The percentage of required open space and usable open space will be based upon
186 the total gross site acreage.
- 188 (iv) Usable open space areas may include impervious areas for recreational uses such
189 as sports courts, gazebos, plazas/seating areas, so long as impervious areas do not
190 comprise more than 25% of the required usable open space area.
- 192 (v) Where developments contain significant natural area as defined in Section 4-80.2,
193 native protection zones must be protected in accordance Section 4-80.15.2

199 **Table 4-88. Open space requirements.**

| <u>Project Type</u> | <u>General Open Space Requirement</u> | | <u>Usable Open Space Requirement</u> |
|---------------------------------------------|---------------------------------------|-----------------------|--------------------------------------|
| | <u>Small Projects</u> | <u>Large Projects</u> | |
| <u>Residential</u> | <u>30%</u> | <u>35%</u> | <u>10%</u> |
| <u>Mixed Use & Commercial</u> | <u>20%</u> | <u>30%</u> | <u>5%</u> |
| <u>Industrial</u> | <u>10%</u> | <u>20%</u> | <u>N/A</u> |
| <u>Downtown Business District (General)</u> | <u>10%</u> | <u>20%</u> | <u>5%</u> |
| <u>Downtown Business District (Center)</u> | <u>N/A</u> | <u>5%</u> | <u>N/A</u> |

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


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

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

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

PASSED AND DULY ADOPTED this 9th day of July, 2020.

CITY COMMISSION OF THE CITY OF LABELLE, FLORIDA

By: 
David A. Lyons, Mayor

ATTEST:

By: 
Thomas A. Smith, Clerk-Commissioner

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APPROVED AS TO FORM AND
LEGAL SUFFICIENCY:

By: 
Derek Rooney, City Attorney

| 242 | Vote: | AYE | NAY |
|-----|----------------------|----------|-------|
| 243 | | | |
| 244 | Mayor Lyons | <u>✓</u> | _____ |
| 245 | Commissioner Smith | <u>✓</u> | _____ |
| 246 | Commissioner Wilkins | <u>✓</u> | _____ |
| 247 | Commissioner Akin | <u>✓</u> | _____ |
| 248 | Commissioner Kelley | <u>✓</u> | _____ |
| 249 | | | |