



Thomas A. Smith
Commissioner

Daniel W. Akin
Commissioner

Julie C. Wilkins
Commissioner

David Kelley
Commissioner

“The City of Oaks”

David A. Lyons
Mayor

**CITY OF LABELLE
LOCAL PLANNING AGENCY
November 12, 2020**

6:00 P.M.

It shall be the responsibility of all parties, who may want to appeal a decision of the Local Planning Agency to make a verbatim record of the proceedings, testimony, and evidence needed for the appeal.

A. CALL TO ORDER
Roll Call

B. PUBLIC HEARINGS

1. Public Hearing on Proposed Ordinance 2020-16, relating to a Land Development Code Amendment for the Planned Unit Development (PUD) district in Section 4-78.
2. Public Hearing on Proposed Ordinance 2020-17, relating a Land Development Code Amendment to the definition of “family” in Section 2-4.



CITY OF LABELLE, FLORIDA
Planning Staff Report
for
Land Development Code Amendment to PUD Zoning District

TYPE OF CASE: Land Development Code Amendment

STAFF REVIEWER: Alexis Crespo, AICP

DATE: November 12, 2020

APPLICANT: City of LaBelle City Commission

AGENT: City of LaBelle City Commission

REQUEST: Amend the City of LaBelle Land Development Code to include process and procedures for amending PUDs and provide for expiration dates of PUD zoning districts.

LOCATION: City-Wide

PROPERTY SIZE: N/A

STAFF NARRATIVE:

PUD zoning districts may require amendments from time to time, particularly for large, master-planning communities where market demand changes during the project buildout.

The proposed LDC amendment provides for minor changes to be processed administratively by Staff to avoid the time delays and costs associated with the public hearing process. Staff approved amendments would be limited to those changes that do not have “external” impacts, such as changes to building heights, increases to density or intensity, or reductions to buffers or open space.

Additionally, the LDC amendment seeks to create a standard timeframe for PUD approval. Staff proposes the PUD should expire after 5 years of ordinance adoption unless vertical construction of buildings has commenced. This length of time can be increased or shortened by the Commission depending upon the specific project.

PUD zoning ordinances adopted prior to this amendment, and that do not contain a specific timeframe for approval within the conditions of approval in the ordinance, would not expire. I.e. these PUDs would be vested under the regulations in place at the time of adoption, which did not include an expiration timeframe.

The intent of these amendments is to provide a more clear and predictable process for both the City and Applicants/Developers.

STAFF RECOMMENDATION:

Staff finds that the proposed ordinance is consistent with the Comprehensive Plan and Land Development Code and recommends **APPROVAL**.

SUGGESTED MOTION(S)

APPROVAL:

I make a motion to approve the proposed Ordinance.

APPROVAL WITH MODIFICATION(S):

I make a motion to approve the proposed Ordinance with the following changes:

- 1)

DENIAL:

I make a motion to deny the proposed Ordinance.

The request does not meet the intent of the Comprehensive Plan and Land Development Code.

- 1) Why?

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**ORDINANCE
NUMBER 2020-16**

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AN ORDINANCE OF THE CITY OF LABELLE, FLORIDA; AMENDING THE CITY OF LABELLE LAND DEVELOPMENT CODE, CHAPTER 4, ZONING; AMENDING ARTICLE IV, SUPPLEMENTARY DISTRICT REGULATIONS, SECTION 4-78, PLANNED UNIT DEVELOPMENT DISTRICT; 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 additional standards and amendment processes relating to the Planned Unit Development zoning district; 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 November 12, 2020 and the City Commission on December 10, 2021 and January 14, 2021; 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. Appendix B, Land Development Code, Chapter 4, Zoning, Article V, Supplementary District Regulations, Sections 4-78, of the City of LaBelle Land Development Code are hereby amended with the following provisions:

41 LAND DEVELOPMENT CODE

42 CHAPTER 4 – ZONING

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45 ARTICLE V. – SUPPLEMENTARY DISTRICT REGULATIONS

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47 Sec. 4-78. – PUD (Planned Development District) district.

48 4-78.1. *Intent and purpose.* The intent and purpose of the planned unit development (PUD)
49 district is to ~~preserve~~ enable the innovative development of land for residential, commercial,
50 industrial or mixed use (commercial and residential) ~~and large-scale development projects~~ and
51 provide an opportunity for flexible and site-specific development regulations to support
52 specialized and unique design.

53
54 The PUD district is hereby established to provide a process for unified planning and
55 coordination of large-scale development and for the creation of new neighborhoods or community
56 areas which, by virtue of their specialized nature and unique design, are not adaptable to regulation
57 by the other zoning district classifications set forth in this chapter.

58
59 It is intended that the regulations and requirements applying to a PUD zoning district shall be
60 sufficiently flexible so as to encourage creative and imaginative design in planning and
61 development.

62
63 Where there are conflicts between the requirements set forth herein for a PUD district and the
64 general provisions of this chapter or other applicable codes of the City of LaBelle, the requirements
65 of the PUD shall govern.

66
67 The regulations are intended to promote desirable development by addressing aesthetically
68 pleasing design, protection of sensitive natural environments and native vegetation, safety,
69 privacy, neighborhood compatibility, and recreational opportunities. The site development
70 standards allow flexibility of development while maintaining compatibility within the city's
71 various neighborhoods. In addition, the regulations provide clarity to property owners, developers,
72 and neighbors about the limits of what is allowed.

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74 4-78.2. *PUD development approval procedures.*

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76 A. *Preapplication conference.* Prior to filing an application for PUD development, the
77 applicant or his authorized representative shall confer with the Superintendent of Public
78 Works, Planning Department and Building Official ~~building official~~ or designee, as well
79 as other city officials and representatives of other agencies as may be requested by them
80 to participate. The purpose of this conference shall be to permit the applicant to present
81 his initial concept of the proposed PUD, to permit the city officials to make preliminary
82 comments on the proposal, and to provide a detailed explanation of application
83 requirements and review procedures.

85 B. *[Submission of petition.]* A petition for PUD zoning shall be submitted in accordance with
86 the general requirements for amendments as set forth in Chapter 3 of the Land
87 Development Code. In addition to the required application package, the application shall
88 include the following:
89

90 (1) Evidence of unified control. The title to all land within a proposed site for a planned
91 unit development (PUD) shall be owned or controlled by the developer submitting
92 the applications. Developer shall have the written consent of all owners of property
93 within the proposed site not wholly owned by the developer. Consent shall contain a
94 statement that developer is authorized to represent owners in the submission of an
95 application [owners shall agree to be bound by the decision of the city commissioners
96 in the event application is approved]. Together with a statement that shall include:
97

98 (a) A statement identifying the owners of all property within the area abutting,
99 adjoining and across the street from the proposed development. If application is
100 submitted by other than the current owner(s) of the property, the statement shall
101 be accompanied by satisfactory evidence of the existence of purchase or lease
102 agreement or other appropriate instrument(s) as identified above to indicate
103 current or future unified control of the property.
104

105 (b) That the proposed development shall be in accordance with the provisions of the
106 application and all materials submitted therewith and supplied upon request, and
107 in accordance with specified modifications thereof as may be required by the
108 city commission.
109

110 (c) To bind all successors of the applicant to the agreement.
111

112 (2) A ~~general-master~~ concept plan (~~GSP MCP~~) at an appropriate scale showing the
113 proposed land uses and approximate area of each land use (i.e. single-family areas,
114 multifamily areas, recreational areas and ~~commercial non-residential~~ areas) as well
115 as the PUD perimeter buffer areas where required or proposed, shall be submitted
116 with and incorporated by reference with the PUD.
117

118 (3) An itemization of the number of dwelling units of different types (i.e. fifteen (15)
119 single-family units, twenty-five (25) multifamily units) and of the quantity (floor
120 area) of space devoted to nonresidential uses (i.e. twenty thousand (20,000) square
121 feet of commercial or industrial uses) and, if applicable, a schedule showing the
122 expected phasing plan (including the starting and end dates of each phase) and the
123 number of units and/or quantity of space to be included in each phase.
124

125 (4) An estimate of trip volumes (peak hour) of traffic on collector, local and arterial roads
126 adjacent to the site and at all entrances to the site.
127

128 (5) A statement indicating how the proposed development will conform to the adopted
129 Comprehensive Plan.
130

- 131 (6) Other materials as may be determined by the building official or his designee as
132 being necessary for the review of the development based on its unique location,
133 character of or extent. Where appropriate, materials shall include an identification of
134 areas on the site characterized by floodplains, archaeological and historical sites,
135 habitats for threatened or endangered species of special concern.
136
- 137 (7) Any deviations from the Land Development Code (i.e. parking, buffering, etc.) that
138 may be needed.
139
- 140 (8) Property development regulations for the development.
141
- 142 (9) A schedule of uses that are requested within the PUD. Reference to the uses in a
143 specific zoning district may suffice.
144
- 145 C. *Review by city staff.* After a PUD application is submitted, the building official or designee
146 will review the application for completeness. If an application is deemed incomplete, or
147 additional information is required for review, the building official shall send a request for
148 additional information within fifteen (15) working days. Upon receipt of an application
149 that is deemed to be complete, the building official or designee, as well as other officials
150 from whom comments are requested shall review the application and supporting
151 materials. The staff report on the proposal shall include recommended findings as to
152 compliance of the application with the adopted Comprehensive Plan and the standards of
153 this code, and shall include recommended conditions of approval.
154
- 155 C. *Review by local planning agency.* In addition to the requirements of the Chapter 54, review
156 by the local planning agency shall include recommended findings as to compliance of the
157 application with the adopted Comprehensive Plan and the standards of this code, and shall
158 include recommended conditions of approval.
159
- 160 D. *Action by city commission.* In addition to the requirements of Chapter 3 of the Land
161 Development Code, review and action by the city commission shall include findings as to
162 the compliance of the application with the adopted Comprehensive Plan and the standards
163 of this code, and shall include recommended conditions of approval as may be necessary
164 to ensure full compliance with all requirements and to further ensure compatibility of the
165 proposed development with the surrounding area.
166
- 167
- 168 4-78.3. *Standards for PUD developments.*
169
- 170 A. All PUD developments shall conform to the provisions of the adopted Comprehensive
171 Plan of the City of LaBelle and the Land Development Code (LDC). Where standards
172 exist in the plan and comparable standards do not exist in this code, the standards and
173 procedures set out in the plan shall apply in addition to the standards herein.
174
- 175 B. Permitted uses.

- 176 (1) No specific principal uses or structures are designated as permitted. Uses permitted
177 within a particular PUD district shall be those uses specified in a list of uses
178 submitted as part of the PUD application and approved by the city commission.
179 Permitted uses must be consistent with the LaBelle Comprehensive Plan and the
180 LaBelle Future Land Use Map. The ~~general concept plan (GCP)~~ master concept plan
181 (MCP) shall clearly designate the type, general location, and extent of proposed uses
182 and approval of uses or types of uses as part of rezoning ordinance shall constitute
183 the permitted land use requirement of a particular PUD district to the same extent
184 and degree as were permitted uses specifically included in the context of this chapter.
185 Any proposed change of approved land usage shall require a rehearing and approval
186 in accordance with the procedures for original approval, except the necessary
187 refinements in size, configuration, or location may be required in the preparation of
188 detailed plans.
- 189 (2) Accessory uses shall be permitted as set forth within the approved general concept
190 plan (GCP) or as found by the city commission to be compatible with an approved
191 plan.

192
193 C. *Minimum dimensional and density requirements.* A matrix including the proposed uses,
194 type of units, density or intensity for each use, and minimum dimensional and density
195 requirements as follows:

- 196
197 (1) A PUD development shall be of proportions as to properly accommodate all proposed
198 uses in keeping with the general requirements of the city and the established
199 objectives and policies of the adopted Comprehensive Plan.
- 200
201 (2) Reserved.
- 202
203 (3) The maximum residential density shall be as established as part of the individual
204 PUD ordinance. Residential, commercial and industrial density/intensity shall not
205 exceed the maximums established in the future land use element of the LaBelle
206 Comprehensive Plan.
- 207
208 (4) The maximum height of structures within a PUD development shall be specifically
209 identified on the matrix and approved by the city commission.
- 210
211 (5) Approved PUDs must comply with all sections of the City of LaBelle Land
212 Development Code, unless granted a deviation by the City Commission for a specific
213 section of the Land Development Code, or otherwise specified within the PUD
214 ordinance.

215
216 D. *Off-street parking and loading area.* Off-street parking and loading area shall be as set
217 forth in Chapter 4 of the Land Development Code (LDC) unless a justified deviation from
218 the LDC is granted by the city commission.

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220 4-78.4. *Effect of approval.* Approval of the proposed PUD development shall be interpreted
221 as including approval of all maps, diagrams, tables and reports attached by the applicant. Unless

222 otherwise authorized by the City Commission in the conditions of the zoning ordinance, the PUD
223 zoning district shall expire five (5) years following approval unless vertical construction has
224 commenced. Upon expiration, the zoning of the property will revert back to the zoning district in
225 place prior to PUD approval.

226
227 4.78.5 *Amendments to approved PUDs.* Amendments to an approved master concept plan or
228 conditions, development regulations, permitted uses or other information contained in
229 the approval ordinance may be requested at any time during the development of or
230 useful life of a PUD.

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232 A. *Administrative Amendments.* The Superintendent of Public Works, or their
233 designee, may administratively approve an amendment to a planned development
234 if the below criteria is met by the request:

235
236 a. The request does not increase height, density or intensity of the development,
237 i.e. no increase the number of dwelling units or non-residential square footage.

238
239 b. The request does not decrease the amount of indigenous native vegetation
240 preservation or open space areas below the amount required by the Code;

241
242 c. The request does not modify the buffer or landscaping areas unless an alternate
243 design is proposed that is equivalent or better (by comparison with the approved
244 Master Concept Plan) in terms of the level of opacity and screening achieved by
245 the originally approved buffer;

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247 d. The request does not adversely impact surrounding land uses; and

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249 e. The request is consistent with all applicable provisions of the Comprehensive
250 Plan and land development regulations in effect at the time of the amendment
251 request.

252
253 f. The request does not result in the impact of significant oak trees that were not
254 specifically approved for removal by the City Commission in accordance with
255 LDC Section 4-80.16.4.2.

256
257 g. The request does not modify zoning conditions of approval explicitly set forth
258 by the City Commission, unless an alternate is proposed is deemed equivalent or
259 better in satisfying the intent of the original condition, as determined by the
260 Superintendent of Public Works, or their designee.

261
262 B. *Amendments Requiring City Commission Approval.* Any request that does not
263 meet the above criteria must be processed as a PUD Amendment requiring review
264 and approval by the Local Planning Agency and City Commission consistent with
265 the process for a new planned development rezoning. Submittal materials may be
266 waived where the request does not trigger the requirement for additional
267 information.

268 **C. Notice of Amendment. Notice of an amendment to a master concept plan must be**
269 **recorded in the same manner as the approved master concept plan itself.**
270

271 **Section 3. Codification.** This ordinance shall be incorporated into the City of
272 LaBelle Land Development Code. The sections of this Ordinance can be renumbered or re-lettered
273 to the appropriate word or phrase to accomplish codification. Omissions, grammatical, and
274 typographical errors, as well as clarifications of ambiguous wording that do not affect the intent
275 of this Ordinance, may be authorized by the Mayor without need for a public hearing.
276

277 **Section 4. Severability.** In the event that any portion of this Ordinance is for any
278 reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall
279 be deemed a separate, distinct and independent provision, and such holding shall not affect the
280 validity of the remaining portions of this Ordinance.
281

282 **Section 5. Conflicts.** The provisions of this article shall supersede any provisions
283 of existing ordinances in conflict herewith to the extent of said conflict.
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285 **Section 6. Effective Date.** This Ordinance shall take effect immediately upon its
286 adoption by the City Commission.
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288 **PASSED AND DULY ADOPTED** this ____ day of _____, 2020.

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291 **CITY COMMISSION OF THE CITY OF**
292 **LABELLE, FLORIDA**
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295 By: _____
296 David A. Lyons, Mayor
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299 **ATTEST:**
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302 By: _____
303 Thomas A. Smith, Clerk-Commissioner
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305 **APPROVED AS TO FORM AND**
306 **LEGAL SUFFICIENCY:**
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308
309 By: _____
310 Derek Rooney, City Attorney
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312 **Vote:** **AYE** **NAY**
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314 Mayor Lyons _____ _____
315 Commissioner Smith _____ _____
316 Commissioner Wilkins _____ _____
317 Commissioner Akin _____ _____
318 Commissioner Kelley _____ _____
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DRAFT



CITY OF LABELLE, FLORIDA
Planning Staff Report
for
Land Development Code Amendment to Update Definition of “Family”

TYPE OF CASE: Land Development Code Amendment

STAFF REVIEWER: Alexis Crespo, AICP

DATE: November 12, 2020

APPLICANT: City of LaBelle City Commission

AGENT: City of LaBelle City Commission

REQUEST: Amend the City of LaBelle Land Development Code to modify the definition of “family”

LOCATION: City-Wide

PROPERTY SIZE: N/A

STAFF NARRATIVE:

The City of LaBelle continues to work on solutions to ensure farmworker housing and labor camps do not proliferate in single-family zoning districts. City Staff has met with Hendry County Plannign and Code Enforcement Staff to discuss regulatory tools to ensure the appropriate use of single-family dwellings in single-family zoning districts throughout the City.

The use and number of persons in a single-family dwelling relates to the definition of “family” contained in the Land Development Code.

LaBelle’s definition of family states no more than two (2) unrelated persons can constiute a family. Hendry County’s definition is broader, and allows up to five (5) unrelated persons living in a dwelling to constitute a family.

As part of this coordination, Staff and the City Attorney found the City’s definition of “family” to be overly restrictive and difficult to implement. The proposed Land Development Code Amendment will bring the City’s definition into consistency with

Hendry County, and allow a reasonable limitation on unrelated persons in a dwelling unit.

Concurrently with this LDC amendment, the City has created a list of city properties that have Health Department permits for farmworker housing. The City will identify the locations of these houses, identify the density of persons permitted, and determine if a code enforcement notification is warranted based upon the stated number of people inhabiting the dwelling. Staff intends to provide regular updates on progress in forthcoming meetings.

STAFF RECOMMENDATION:

Staff finds that the proposed ordinance is consistent with the Comprehensive Plan and Land Development Code and recommends **APPROVAL**.

SUGGESTED MOTION(S)

APPROVAL:

I make a motion to approve the proposed Ordinance.

APPROVAL WITH MODIFICATION(S):

I make a motion to approve the proposed Ordinance with the following changes:

- 1)

DENIAL:

I make a motion to deny the proposed Ordinance.

The request does not meet the intent of the Comprehensive Plan and Land Development Code.

- 1) Why?

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**ORDINANCE
NUMBER 2020-17**

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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 SECTION 2-4, DEFINITION OF TERMS, RELATING TO THE DEFINITION OF “FAMILY”; 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 defining certain terms in order to implement the Land Development Code; 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 November 12, 2020 and the City Commission on December 10, 2021 and January 14, 2021; 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. Appendix B, Land Development Code, Chapter 2, Language and Definitions, Section 4-2, Definition of Terms, of the City of LaBelle Land Development Code are hereby amended with the following provisions:

LAND DEVELOPMENT CODE
CHAPTER 2 – DEFINITION OF TERMS

Sec. 4-2. – Definition of terms.

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

Abandoned sign through Façade [NO CHANGE]

Family means one (1) or more persons, related by blood, adoption or marriage, living together as a single housekeeping unit. A number of persons not exceeding ~~two (2)~~ **five (5)** living together as a single housekeeping unit, though not related by blood, adoption or marriage, shall also be deemed to constitute a family, in addition to persons who are parents of a child in common regardless of whether they have been married.

Family care homes through Zoning department [NO CHANGE]

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.

81 **PASSED AND DULY ADOPTED** this ____ day of _____, 2021.

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CITY COMMISSION OF THE CITY OF LABELLE, FLORIDA

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By: _____
David A. Lyons, Mayor

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92 **ATTEST:**

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By: _____
Thomas A. Smith, Clerk-Commissioner

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APPROVED AS TO FORM AND LEGAL SUFFICIENCY:

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By: _____
Derek Rooney, City Attorney

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Vote: AYE NAY

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Mayor Lyons _____ _____

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Commissioner Smith _____ _____

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Commissioner Wilkins _____ _____

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Commissioner Akin _____ _____

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Commissioner Kelley _____ _____

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