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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, 2020 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

43
44 ARTICLE V. – SUPPLEMENTARY DISTRICT REGULATIONS

45
46 Sec. 4-78. – PUD (Planned Development District) district.

47
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.

73
74 4-78.2. *PUD development approval procedures.*

75
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, Building Official ~~building official~~ or designee, Code
79 Enforcement Official, and the LaBelle Fire Department, as well as other city officials and
80 representatives of other agencies as may be requested by them to participate. The purpose
81 of this conference shall be to permit the applicant to present his initial concept of the
82 proposed PUD, to permit the city officials to make preliminary comments on the proposal,
83 and to provide a detailed explanation of application 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)~~ master concept plan (MCP) or as found by the city commission to be
191 compatible with an approved 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.

219
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.

231
232 A. Administrative Amendments. The City Planner may administratively approve an
233 amendment to a planned development if the below criteria is met by the request:

234
235 a. The request does not increase height, density or intensity of the development,
236 i.e. no increase the number of dwelling units or non-residential square footage.

237
238 b. The request does not decrease the amount of indigenous native vegetation
239 preservation or open space areas below the amount required by the Code;

240
241 c. The request does not modify the buffer or landscaping areas unless an alternate
242 design is proposed that is equivalent or better (by comparison with the approved
243 Master Concept Plan) in terms of the level of opacity and screening achieved by
244 the originally approved buffer;

245
246 d. The request does not adversely impact surrounding land uses; and

247
248 e. The request is consistent with all applicable provisions of the Comprehensive
249 Plan and land development regulations in effect at the time of the amendment
250 request.

251
252 f. The request does not result in the impact of significant oak trees that were not
253 specifically approved for removal by the City Commission in accordance with
254 LDC Section 4-80.16.4.2.

255
256 g. The request does not modify zoning conditions of approval explicitly set forth
257 by the City Commission, unless an alternate is proposed is deemed equivalent or
258 better in satisfying the intent of the original condition, as determined by the City
259 Planner, or their designee.

260
261 B. Amendments Requiring City Commission Approval. Any request that does not
262 meet the above criteria must be processed as a PUD Amendment requiring review
263 and approval by the Local Planning Agency and City Commission consistent with
264 the process for a new planned development rezoning. Submittal materials may be
265 waived where the request does not trigger the requirement for additional
266 information.

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

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

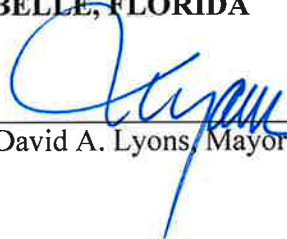
276 Section 4. Severability. In the event that any portion of this Ordinance is for any
277 reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall
278 be deemed a separate, distinct and independent provision, and such holding shall not affect the
279 validity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

281 Section 5. Conflicts. The provisions of this article shall supersede any provisions
282 of existing ordinances in conflict herewith to the extent of said conflict.
283

284 Section 6. Effective Date. This Ordinance shall take effect immediately upon its
285 adoption by the City Commission.
286

287 PASSED AND DULY ADOPTED this 14th day of January, ~~2020~~ 2021.

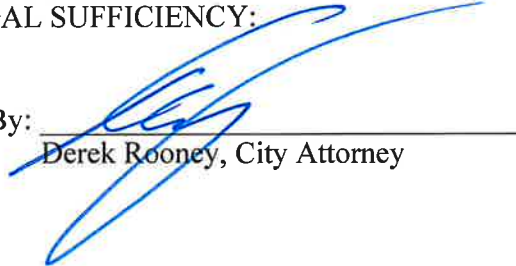
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289
290 CITY COMMISSION OF THE CITY OF
291 LABELLE, FLORIDA

292
293
294 By: 
295 David A. Lyons, Mayor
296
297

298 ATTEST:

299
300 By: 
301 Thomas A. Smith, Clerk-Commissioner
302
303

304 APPROVED AS TO FORM AND
305 LEGAL SUFFICIENCY:

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307
308 By: 
309 Derek Rooney, City Attorney
310
311

313	Vote:	AYE	NAY
314			
315	Mayor Lyons	<input checked="" type="checkbox"/>	<input type="checkbox"/>
316	Commissioner Smith	<input checked="" type="checkbox"/>	<input type="checkbox"/>
317	Commissioner Wilkins	<input checked="" type="checkbox"/>	<input type="checkbox"/>
318	Commissioner Akin	<input type="checkbox"/>	<input type="checkbox"/>
319	Vacant	<input type="checkbox"/>	<input type="checkbox"/>
320			