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**ORDINANCE
NUMBER 2021-02**

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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, DISTRICT REGULATIONS, SECTION 4-70,
BUSINESS AND INDUSTRIAL ZONES; 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 City of LaBelle desires to allow for a flexible mix of uses in their Business and Industrial zoning districts to support economic development, employment opportunities and provide for a sustainable and compatible mix of local goods and services for the residents of LaBelle; and

WHEREAS, the proposed ordinance was properly advertised and has received public hearings before the Local Planning Agency on January 14, 2021 and the City Commission on February 11, 2021 and March 11, 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 4-70, Business and Industrial Zones, of the City of LaBelle Land Development Code are hereby amended with the following provisions:

46 LAND DEVELOPMENT CODE

47 CHAPTER 4 – ZONING

48 ARTICLE IV. DISTRICT REGULATIONS

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52 Sec. 4-70. - Business and industrial zones.

Purpose and intent. [NO CHANGE]

53 the safe and efficient movement of people, products and services.

54 4-70.1. *Definitions.* [NO CHANGE]

55 4-70.2. *Business professional (B-1) zone.* [NO CHANGE]

56 4-70.3. *Business general (B-2) zone.* [NO CHANGE]

57 4-70.4. *Business heavy (B-3) zone.* [NO CHANGE]

58 4-70.5. *Light industrial (I-1 and I-1A) zones.* [NO CHANGE]

59 4-70.6. *Heavy industrial (I-2) zone.*

60 *Purpose and intent.*

61 The purpose and intent of the heavy industrial (I-2) zone is to provide lands for manufacturing,
62 processing, storage and warehousing, wholesaling, and distribution. Commercial uses that are
63 supportive to the allowable uses of this district are also permitted, in addition to employment
generating uses, such as offices, health care facilities, and laboratories.

64 Outdoor sales and storage are allowed in the I-2 zone. With the exception of the display for
65 rent or sale of merchandise, all products, merchandise, equipment or any other material stored
66 outside of the buildings, whether new or used, shall be hidden from view on all sides, except for
67 necessary openings and gates, by a one hundred (100) percent opaque fence, wall or vegetative
68 hedge, not less than six (6) feet high and no greater than ten (10) feet high. Additional height may
69 be requested through the special exception process.

70 Quonset hut-type buildings, truck trailers, or similar box style storage shall not be permitted.

71 PODS or personal storage containers shall be allowed for temporary storage, not to exceed
72 thirty (30) consecutive days at a time.

73 Storage and/or sales areas must comply with Appendix B, sections 4-80 and 4-85, Parking
74 and landscape requirements.

75 A. *Permitted uses.* Refer to Appendix B, section 4-70.8.

76 B. *Development regulations.* Refer to Appendix B, section 4-76(b).

77 4-70.7. *Accessory maintenance storage building.* [NO CHANGE]

78 4-70.8. *Business and industrial use table.*

| Category | Specific Use | Zoning Districts | | | | | Additional Regulations (apply in all districts unless otherwise stated) |
|--|-----------------------------|------------------|-----|-----|--------------|-----|--|
| Residential | | | | | | | |
| | | B-1 | B-2 | B-3 | I-1A/ I-1 | I-2 | |
| | Caretaker/Security Quarters | A | A | A | A | A | Accessory Use Only |
| | Multi-Family | P | NP | NP | NP | NP | As component of a multiuse development (Appendix B, Sec. 470.2.) |
| | RV Park | NP | SE | SE | NP | NP | |
| Institutional, Public, Quasi-Public | | | | | | | |
| | | B-1 | B-2 | B-3 | I-1A/ I-1 | I-2 | |
| | Accessory Use/Structure | P | P | P | P | P | See Definitions, § 4-1 |
| | Airports and Landing Strips | NP | NP | SE | SE | SE | |
| | Clubs, Lodges | SE | SE | P | P | P | |
| | Cultural Institutions | P | P | P | P | NP | |

| | | | | | | | |
|--|--|----|----|----|---------|---------|---------------------------------------|
| Health Care | Hospital, Walk-in Clinics and Similar Uses | P | P | P | SE P | SE P | Excluding Home Health Care |
| Government Offices | | P | P | P | P | P | |
| Institutional Housing | Community-based Residential Facility | P | SE | SE | NP | NP | See Definitions, Appendix B |
| | Community-Based Residential Facility | | | | | | See Definitions, Appendix B, Sec. 2-4 |
| | Emergency Shelter | P | P | P | P | P | |
| | Emergency Home Shelter | P | P | P | P | P | |
| | Family Care Home | P | P | P | SE | NP | |
| | Group Care Home | P | P | P | SE | NP | |
| Recovery Home/Residential Treatment Facility | NP | SE | SE | SE | NP | | |
| Park and Recreation Facilities | | SE | SE | SE | SE | SE | |
| Private/Quasi-Public Facilities | | SE | SE | P | P | P | |
| Religious Assemblies/Church | | SE | SE | SE | SE | SE | |
| Schools, Public or Private | | SE | SE | SE | NP | NP | |
| City of LaBelle Utilities | | P | P | P | P | P | |
| Institutional, Public, Quasi-Public | | | | | | | |

| | B-1 | B-2 | B-3 | I-1A/ I-1 | I-2 | | |
|-----------------------------------|---|-----|-----|--------------|--------------|-----|---|
| Wireless Communication Facilities | Antennas | P | P | P | P | P | |
| | Towers | NP | NP | SE | SE | SE | |
| | Alternative Tower Structures | SE | SE | SE | SE | SE | |
| Commercial | | | | | | | |
| | | B-1 | B-2 | B-3 | I-1A/ I-1 | I-2 | |
| Accessory Use/Structure | | P | P | P | P | P | See Definitions, § 4-1 |
| Adult Business | Adult Entertainment, including Psychics, Etc. | NP | NP | NP | NP | SE | |
| Amusement Facilities | Indoor | SE | P | P | P | P | |
| | Outdoor | NP | SE | P | P | P | |
| Animal Sales and Services | Boarding Outdoors | NP | NP | SE | SE | P | See also Appendix B, Sec. 2-4, Pet Kennel and Veterinary Clinic |
| | Grooming | P | P | P | P | P | |
| | Animal Hospital/Clinic | SE | SE | P | P | P | |
| | Animal Shows/Exhibitions | NP | NP | SE | P | P | |
| | Retail Sales | P | P | P | P | NP | |

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|--|--|----|----|----|----|----|---|
| Convenience Stores | With Gas Pumps | NP | P | P | P | P | See also Vehicle/Equipm ent Sales and Service |
| | Without Gas Pumps | SE | P | P | P | P | |
| Day Care | | SE | SE | SE | SE | SE | See also Appendix B, Sec. 2-4, Child Care Center |
| Financial Institutions | | P | P | P | P | P | |
| Food and Beverage Sales/Establishments | Accessory Alcoholic Beverage Sales, Off- Premise | P | P | P | P | P | See also Ch. 3, § 3-4 |
| | Accessory Alcoholic Beverage Sales, On- Premise | SE | SE | SE | P | P | |
| | Alcoholic Beverage Establishment | SE | SE | P | P | P | |
| | Bars | NP | NP | SE | SE | NP | |
| | Liquor Stores | P | P | P | P | SE | |
| | Restaurants | P | P | P | P | P | |
| | Clubs/lodges | P | P | P | P | P | |
| | Wholesale bakeries | NP | P | P | P | P | |
| Funeral and Internment Services, including Crematorium | | NP | SE | P | SE | SE | |
| Laboratories | | NP | SE | SE | P | P | |

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|-----------------------------------|-------------|----|------------------|------------------|------------------|------------------|--|
| Maintenance and Repair Services | | P | P | P | P | P | See also Vehicle/Equipment Sales and Service |
| Manufacturing and Fabrication | | NP | NP | NP | SE | P | |
| Marina/Boatyard | | NP | NP | NP | NP | P | |
| Mining and Processing | | NP | NP | NP | NP | P | Does not include excavation for water management |
| Offices | | P | P | P | P | P | |
| Outdoor Sales Area | | A | A | P | P | P | See Also Temporary Uses |
| Outdoor Storage Area ¹ | | NP | A ⁽¹⁾ | A ⁽¹⁾ | A ⁽²⁾ | P ⁽²⁾ | See also Vehicle/Equipment Sales and Service and Appendix B, Sec. 4-80, Landscape Requirements |
| Parking Lots | Stand Alone | NP | NP | p ⁽¹⁾ | P | P | See also Appendix B, Sec. 4-80, Landscape Requirements |
| Pawnshops | | NP | P | P | P | P | |
| Personal Services | General | P | P | P | P | P | |

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|---|---|----|----|----|----|----|--|
| | Dry Cleaning Establishments | P | P | P | P | P | |
| Plant Nurseries (Horticulture Production) | | NP | NP | NP | P | P | |
| Research and Development Services | | NP | SE | SE | SE | P | |
| Retail Sales/Rental Establishments | General | P | P | P | P | P | See also Vehicle/Equipment Sales and Service |
| | Heavy Equipment, Lumberyards, Building Supplies | NP | P | P | P | P | |
| Salvage/Junkyards/Recycling | | NP | NP | NP | NP | SE | See also Ch. 10, Art. II |
| Street Vending | | SE | SE | SE | SE | SE | See Code of Ordinances Ch. 11, Art. V |
| Tattoo Establishments | | SE | P | P | P | P | |
| Vehicle/Equipment Sales and Service | Car Wash, Detailing | NP | P | P | P | P | |
| | Commercial Parking Facility ² | SE | SE | P | P | P | |
| | Fuel Bulk Plant | NP | SE | P | P | P | |
| | Fleet Fueling Station | NP | SE | P | P | P | See ² below |
| | Service Stations | NP | SE | P | P | P | |
| | Repair | NP | SE | SE | P | P | |
| | New Vehicle Sales | NP | SE | P | P | P | See also Appendix B, |

| | | | | | | | |
|--------------------------------------|------------------------------------|----|----|-----|-----|-----|--|
| | | | | | | | Sec. 4-1, Filling Station |
| | Uses Vehicle Sales | NP | SE | P | P | P | |
| | Auctions, Rentals | NP | SE | SE | P | P | |
| | Storage ² | NP | A | A | P | P | |
| | Mobile Homes | NP | NP | P * | P * | P * | |
| Visitor Accommodations | Bed and Breakfast | P | SE | SE | NP | NP | See Appendix B, Sec. 4-75.5 |
| | Hostels | SE | SE | P | NP | NP | |
| | Hotels/Motels | SE | P | P | NP | NP | |
| Warehousing | Mini-Warehouse | NP | A | P | P | P | |
| | Other | NP | NP | SE | P | P | |
| Temporary Uses | | | | | | | |
| Special Events | With Outdoor Sales Area | P | P | P | P | P | Requires Special Event Permit |
| Security Trailer | | SE | SE | SE | SE | SE | Excluding Construction Related Security Trailers |
| Vehicle/Equipment Sales and Services | Temporary Sales, Auctions, Rentals | NP | SE | SE | SE | SE | Applies to Locations that are not Currently Permitted Vehicle/Equipment Sales and Services. Only |

| | | | | | | | | |
|--|--|--|--|--|--|--|--|--------------------------------|
| | | | | | | | | Local Businesses may apply. |
|--|--|--|--|--|--|--|--|--------------------------------|

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82 ¹ Must be enclosed by a minimum six (6) foot high perimeter, one hundred (100) percent opaque
 83 fence or wall and buffered as required by the landscape regulations.

84 ² Outside storage areas shall be placed or screened so that they cannot be viewed from a street.

85 P = Permitted

86 A = Accessory Use

87 SE = Special Exception

88 NP = Not permitted

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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.

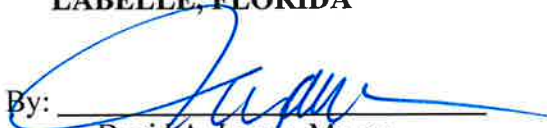
Section 5. Conflicts. The provisions of this article shall supersede any provisions of existing ordinances in conflict herewith to the extent of said conflict.

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

111 PASSED AND DULY ADOPTED this 11th day of March, 2021.

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CITY COMMISSION OF THE CITY OF LABELLE, FLORIDA

By: 
David A. Lyons, Mayor

ATTEST:

By: 
Thomas A. Smith, Clerk-Commissioner

APPROVED AS TO FORM AND LEGAL SUFFICIENCY:

By: 
Derek Rooney, City Attorney

| Vote: | AYE | NAY |
|----------------------|----------|-------|
| Mayor Lyons | <u>✓</u> | _____ |
| Commissioner Smith | <u>✓</u> | _____ |
| Commissioner Wilkins | <u>✓</u> | _____ |
| Commissioner Akin | <u>✓</u> | _____ |
| Bobbie Pratt | <u>✓</u> | _____ |