

**CITY OF LABELLE
ORDINANCE 2016-05
GUTIERREZ REZONE**

AN ORDINANCE OF THE CITY OF LABELLE, FLORIDA, AMENDING THE CITY OF LABELLE ZONING MAP FOR PROPERTY LOCATED IN BOOTH SUBDIVISION, LOTS 1 TO 10 AND 23-26, AS RECORDED IN OFFICIAL RECORDS BOOK 520, PAGE 529 OF THE OFFICIAL RECORDS OF HENDRY COUNTY, FLORIDA, AMENDING THE ZONING DESIGNATION FROM HENDRY COUNTY ZONING DESIGNATION CI AND RG3 TO CITY OF LABELLE ZONING DESIGNATION OF PLANNED UNIT DEVELOPMENT (PUD); PROVIDING FOR IDENTIFICATION OF THE SUBJECT PROPERTY; PROVIDING FOR INTENT; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; PROVIDING AN EFFECTIVE DATE.

WHEREAS, JAIME GUTIERREZ is the owner, "Owner," of the following described real property, located at 409 W. Cowboy Way, LaBelle, Florida "the property":

LOTS 1-10, INCLUSIVE, AND LOTS 23-26, INCLUSIVE, BOOTH'S SUBDIVISION, PLAT BOOK 1, PAGE 21, HENDRY COUNTY, FLORIDA; LESS AND EXCEPT THE NORTH 10.00 FEET OF LOTS 1-6, BOOTH'S SUBDIVISION, PLAT BOOK 1, PAGE 21, HENDRY COUNTY, FLORIDA.

WHEREAS, after public hearings held on May 12, 2016, before the LaBelle Local Planning Agency "LPA" and the City Commission on Ordinance No. 2016-05 is hereby adopted, for the property; and,

WHEREAS, the City Commission for the City of LaBelle has determined that the requested rezoning is in compliance with the land use designation of Commercial as approved per Ordinance No. 2016-04 and approval of the rezoning application will help accomplish the goals and objectives of the City of LaBelle Comprehensive Plan; and,

WHEREAS, the City Commission for the City of LaBelle has determined the requested rezone of the property to PUD is the most appropriate use of the property and this use will promote, protect and improve the health, safety, comfort, good order, appearance, convenience and general welfare of the public with the following conditions:

**SEE EXHIBIT "A" ATTACHED HERERTO AND INCORPORATED HEREIN
BY REFERENCE**

NOW THEREFORE BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF LABELLE, FLORIDA, that:

1. The City Commission, after a first reading by title on March 10, 2016 and duly advertised public hearings of the Local Planning Agency and City Commission on April 14, 2016, hereby rezones the property from Hendry County Zoning designation CI and RG3 to City of LaBelle Zoning designation of Planned Unit Development (PUD) into the corporate limits of the City the following described real property:

LOTS 1 TO 10 AND 23-26 OF BOOTHS SUBDIVISION, AS
RECORDED IN OFFICIAL RECORDS BOOK 520, PAGE 529 OF
THE OFFICIAL RECORDS OF HENDRY COUNTY, FLORIDA

2. If any Court of competent jurisdiction shall determine any portion or provision of this ordinance unconstitutional or invalid, that portion shall be severed and the remainder of the ordinance shall remain in full force and effect and given its ordinary meaning.
3. This ordinance shall be codified within The City of LaBelle Code.
4. This ordinance shall become effective upon the date of passage.
5. Any language within the City of LaBelle Code in conflict with the language or provisions contained herein is hereby declared null and void.
6. The City Commission hereby directs the Deputy Clerk to forward certified copies of this adopted ordinance within seven (7) days of the effective date hereof, to the Clerk of Circuit Court of Hendry County and the County Administrator for Hendry County.
7. In addition to the above notice, and as a public service, the City Commission hereby directs the Deputy Clerk to fax, email or hand deliver notification to the Hendry County Property Appraiser's Office, Hendry County Tax Collector's Office, Postmaster, Hendry County Sheriff's Office, E911 Office, Hendry County Supervisor of Elections and Hendry County Planning Office.

PASSED AND ADOPTED in open session this 12th day May, 2016.

THE CITY OF LABELLE, FLORIDA

By: _____

David A Lyons, Mayor

Attest:


Thomas A. Smith, Clerk-Commissioner

EXHIBIT A

JAIME GUTIERREZ PLANNED UNIT DEVELOPMENT CONDITIONS

1. The PUD will be consistent with the site plan, attached hereto as Exhibit 'A' and dated April 14, 2016.
2. Allowable uses shall be limited to those listed in the Schedule of Uses, attached as Exhibit 'B'. With the exception of the Vehicle Equipment Sales/Service use, all other uses in the General Commercial (B-2) zoning district that require Special Exception approval will be considered for approval via the Special Exception application procedures.
3. Standards for development are established in Exhibit "C".
4. Street vending use shall be limited to one vending unit and shall conform to the requirements of LDC Chapter 11, Article V, entitled Street Vending, provided however one (1) food cart shall be allowed within 200 feet of Cowboy Way.
5. Farmer's Market use shall be limited to a maximum of twenty (20) booths and shall be limited to:
 - No person shall vend fresh fruits, vegetables, or other produce or operate a farmer's market without a valid food establishment permit issued by the state department of agriculture and consumer services.
 - Local fruit, vegetable, flowers, seedlings and plants may be sold at the farmers' market. The following items may also be sold; provided that the product is produced, processed or manufactured in an establishment licensed by the department of agriculture and/or the department of business and professional regulation. Vendors must provide proof of their current licenses.
 - Honey, jams, jellies, pickles, relishes, syrups, sauces, packaged herbs or herb blends and pesto
 - Fresh meat and meat products, fresh seafood and seafood products and fresh poultry and poultry products; provided that they are stored at or below 40 degrees Fahrenheit during transport and display
 - Cheese; provided that it is stored at or below 40 degrees Fahrenheit during transport and display
 - Baked goods; provided they are individually or collectively wrapped while displayed and sold
 - Raw or spun fiber
 - The sale of the following items are prohibited: live animals, alcoholic beverages and/or any food processed packed or prepared at a home or other source not approved by federal, state or municipal health authorities or inspected by federal, state or municipal health authorities.
6. A minimum of twenty (20) parking spaces shall be allocated for the farmer's market use, with a minimum of six (6) spaces being provided in the front improved parking area and the remaining fourteen (14) to be provided on the unimproved parking area toward the southeast rear of the property.
7. The required parking area along the Cowboy Way frontage must meet LDC Appendix B, Section 4-85.10.B (3) regarding surface materials. The unimproved overflow parking area may remain unimproved provided that it is stabilized at all times with sod, mulch, or other pervious materials that are appropriate to support vehicles and minimize dust.

EXHIBIT A
JAIME GUTIERREZ PLANNED UNIT DEVELOPMENT
CONTINUED

8. Upon approval of this PUD, two (2) Live Oak trees shall be planted along the eastern portion of the Cowboy Way frontage of the subject property. Size, placement and maintenance shall conform to LDC Appendix B, Section 4-80, Landscaping.
9. Application for Certificate of Occupancy of the structure located with frontage on Cowboy Way shall require demonstration that two (2) of the façade improvement elements, pursuant to LDC Appendix B, Article V.5, Section 4-91(c), Commercial Design Standards will be met through either existing or proposed features.
10. Upon availability, connection to City of LaBelle wastewater service will be required.
11. All easements, dedications or other instruments shall be granted to the City of LaBelle as necessary to insure continued operation and maintenance of all service utilities.

Development Standards

Use	Min. Parcel Size	Building Coverage	Min. Lot Width (feet)	Min. Yards/Setbacks (feet)			Max. Height (feet)	Min. Open Space (% of total site acreage)
				Right-of-Way and/or Front	Side (street side)	Rear		
Retail/Office	10,000 s.f.	40%	100	20	20	15	40	20%

EXHIBIT A
JAIME GUTIERREZ PLANNED UNIT DEVELOPMENT
CONTINUED

Schedule of Uses

Accessory use

Amusement Facilities, Indoors Only

Animal Sales and Service, limited to Grooming & Retail Sales

Butcher Shop

City of LaBelle Utilities

Convenience Stores, with or without Gas Pumps

Cultural Institutions

Farmer's Market

Financial Institutions

Food and Beverage Sales/Establishments, limited to Accessory Alcoholic Beverage Sales, Off-Premise,
Liquor Stores, Restaurants, Wholesale Bakeries

Government Offices

Health Care

Institutional Housing, limited to Emergency Shelter, Emergency Home Shelter

Maintenance and Repair Services

Offices

Outdoor Sales Area, accessory only

Outdoor Storage Area, with screening pursuant to LDC Appendix B, Chapter 4, Section 70.5

Personal Services

Retail Sales/Rental Establishments

Street Vending (in accordance with LDC Chapter 11, Article V), located as reflected on the Master
Concept Plan, Exhibit 'A'

Vehicle/Equipment Sales and Service, limited to Car Wash & Detailing,
Repair, New and Used Vehicle Sales, Accessory Storage

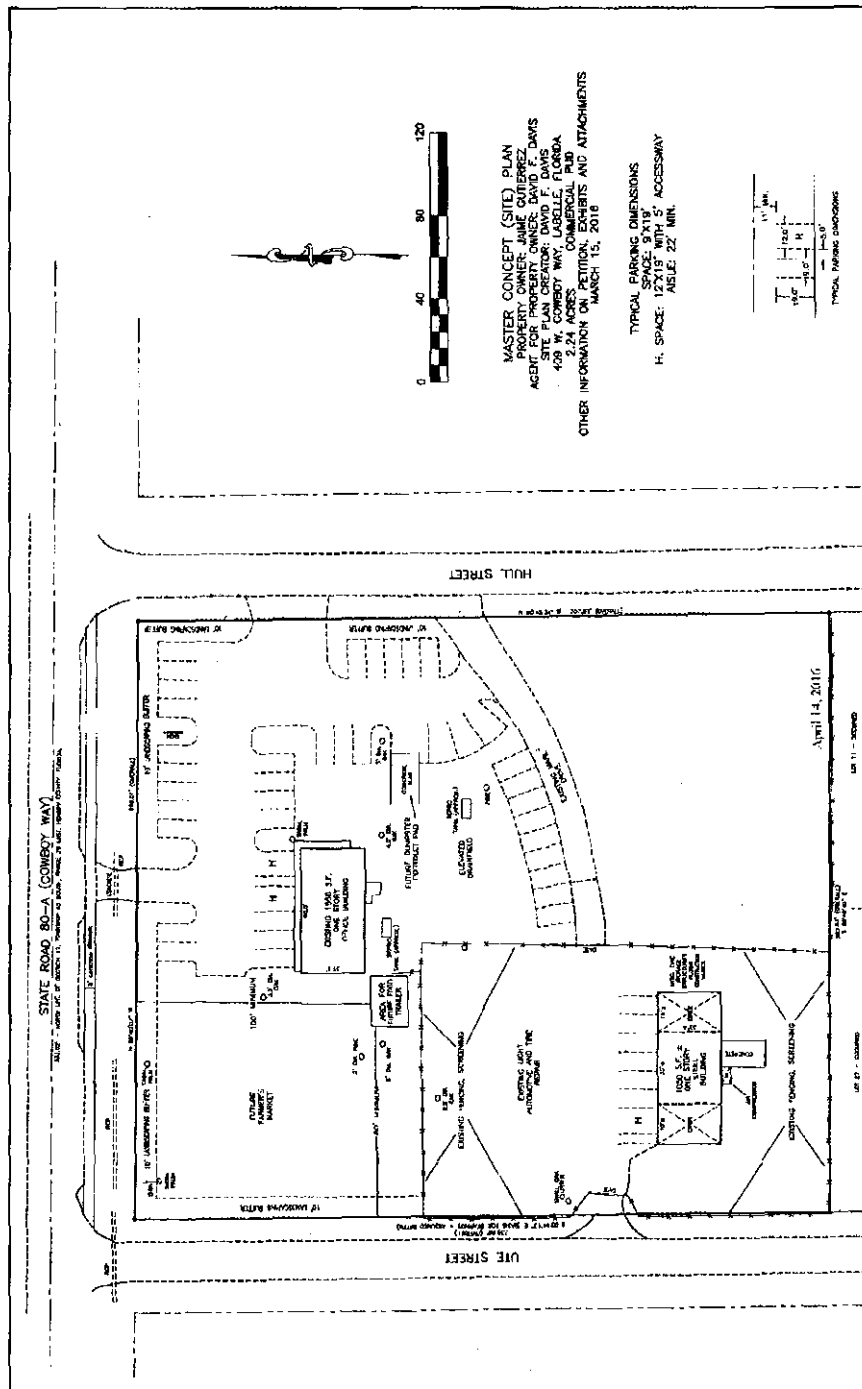
Warehousing, limited to accessory Mini Warehouse

Wireless Communication Facilities, limited to Antennas

Temporary Uses including Outdoor Sales Area

EXHIBIT A

JAIME GUTIERREZ PLANNED UNIT DEVELOPMENT



MASTER CONCEPT (SITE) PLAN
 PROPERTY OWNER: JAIME GUTIERREZ
 AGENT FOR PROPERTY OWNER: DAVID F. DAVIS
 SITE PLAN CREATOR: DAVID F. DAVIS
 PROJECT NUMBER: 16000000000000000000
 4.95 ACRES, COMMERCIAL, RUD
 OTHER INFORMATION ON PETITION, EXHIBITS AND ATTACHMENTS
 MARCH 15, 2016

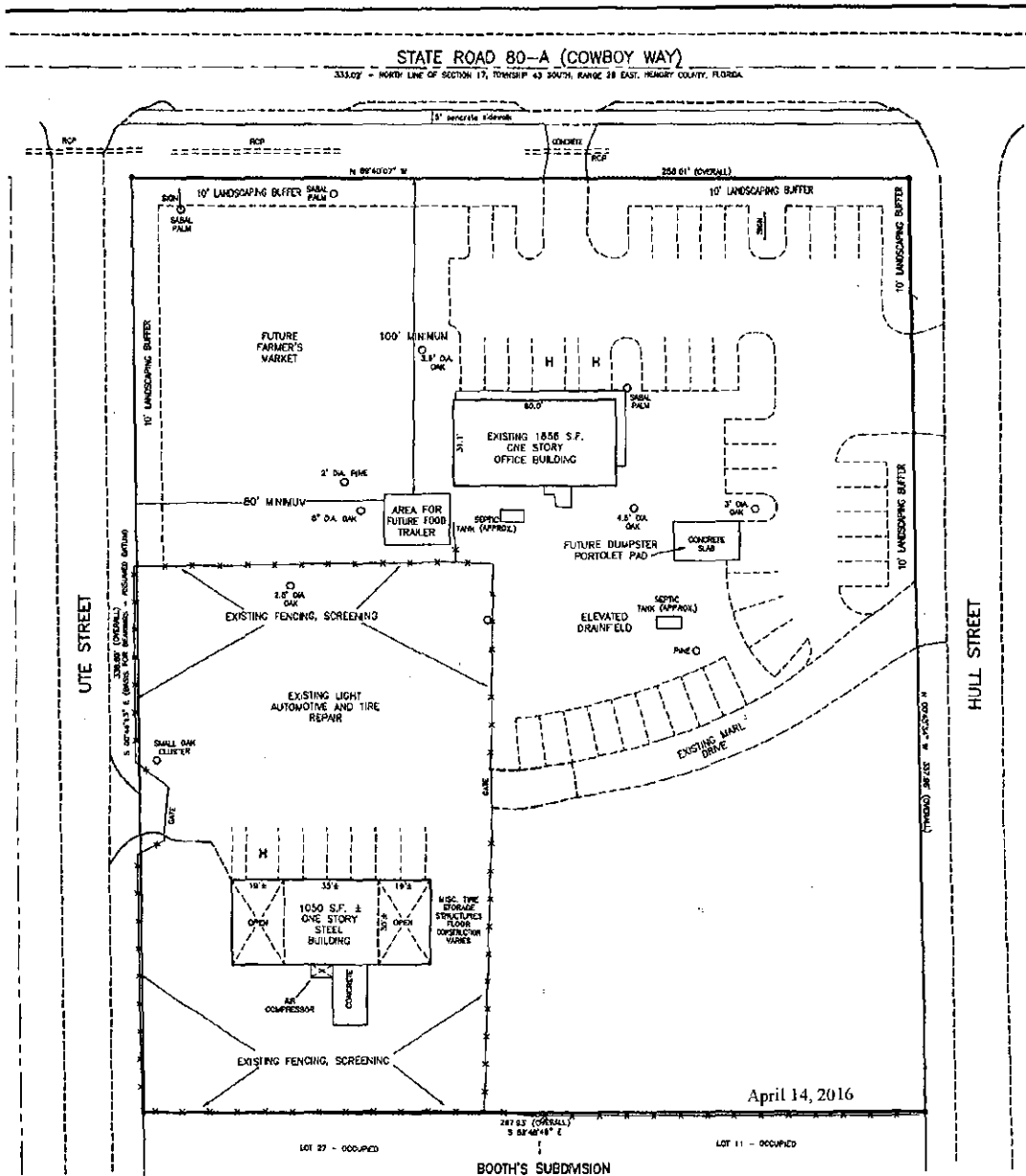
TYPICAL PARKING DIMENSIONS
 H: SPACE 9'X19'
 H: SPACE 12'X19' WITH 5' ACCESSWAY
 ASLIE 22' MIN.

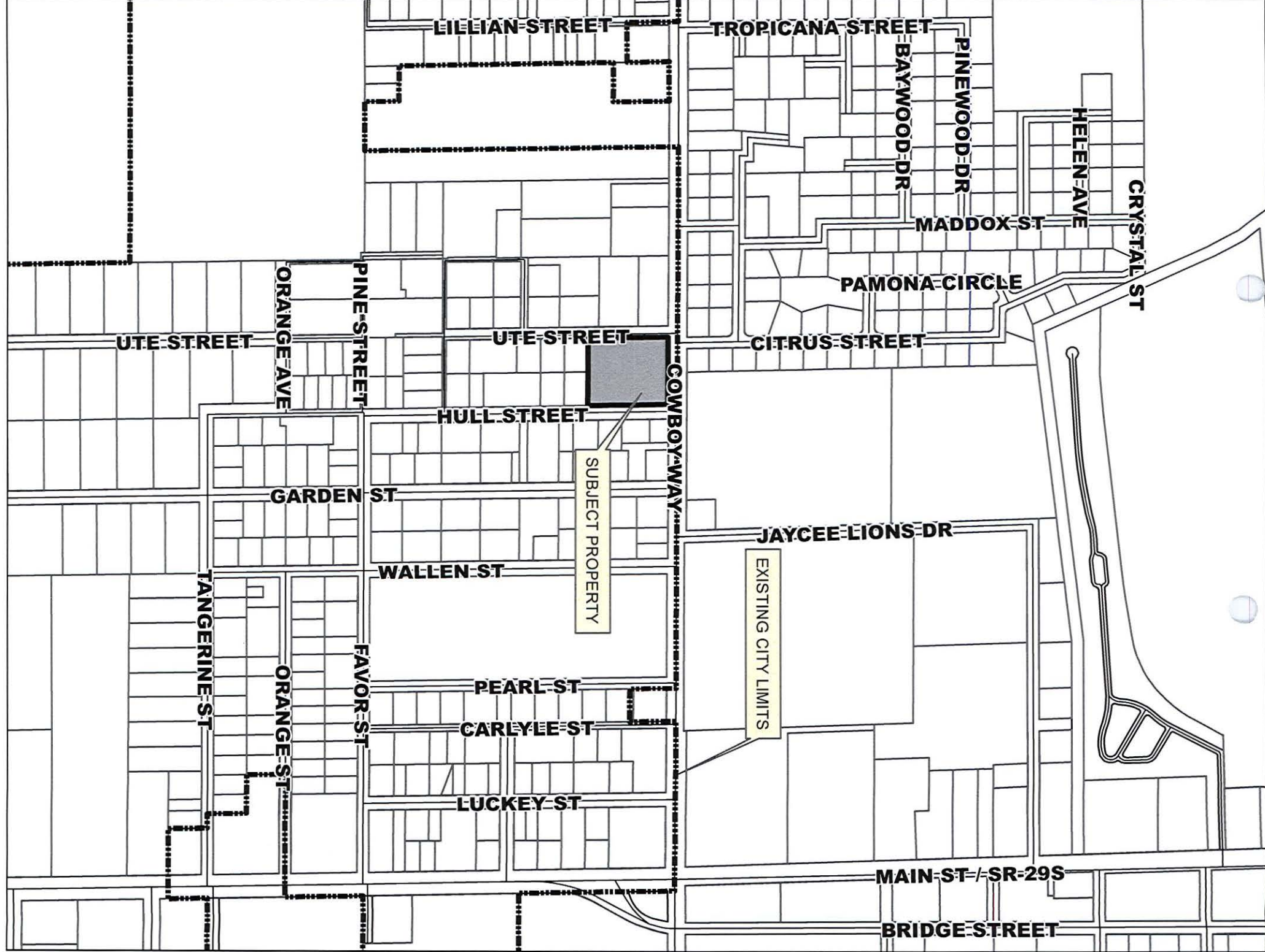


CONTINUED

EXHIBIT A

JAIME GUTIERREZ PLANNED UNIT DEVELOPMENT CONTINUED





LILLIAN STREET

TROPICANA STREET

BAYWOOD DR

PINEWOOD DR

HELEN AVE

CRYSTAL ST

MADDOX ST

PAMONA CIRCLE

UTE STREET

ORANGE AVE

PINE STREET

UTE STREET

CITRUS STREET

COWBOY WAY

HULL STREET

SUBJECT PROPERTY

GARDEN ST

JAYCEE LIONS DR

EXISTING CITY LIMITS

WALLEN ST

TANGERINE ST

ORANGE ST

FAVOR ST

PEARL ST

CARLYLE ST

LUCKEY ST

MAIN ST / SR-29S

BRIDGE STREET