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**CITY OF LABELLE
ORDINANCE 2019-01
JAB PLAZA PLANNED UNIT DEVELOPMENT
REZONE**

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AN ORDINANCE OF THE CITY OF LABELLE, FLORIDA, AMENDING THE CITY OF LABELLE ZONING MAP FOR PROPERTY LOCATED AT 597 W. HICKPOCHEE AVENUE AND 560 1ST AVENUE, CITY OF LABELLE, HENDRY COUNTY, FLORIDA; AMENDING THE ZONING DESIGNATION FROM BUSINESS GENERAL (B-2) TO PLANNED UNIT DEVELOPMENT (PUD); PROVIDING FOR IDENTIFICATION OF THE SUBJECT PROPERTY; PROVIDING FOR INTENT; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

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WHEREAS, James Burkett is the “Owner” of real property, located south of SR 80 Hickpochee Avenue, east of Lashley Street, and north of 1st Street, City of LaBelle, Florida, further described in Exhibit “A”, attached hereto, and

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WHEREAS, after duly advertised public hearings held on February 14, 2019, before the LaBelle Local Planning Agency “LPA”, and on May 9, 2019 before the City Commission; and,

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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” and approval of the rezoning application will further the goals and objectives of the City of LaBelle Comprehensive Plan; and,

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

Section 1. The forgoing recitals are true and correct and are incorporated herein by this reference.

Section 2. The above-mentioned property is hereby rezoned from B-2 to Planned Unit Development (PUD), upon a finding that this 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 subject to the following conditions:

1. The Rezone request applied to the property is described in Exhibit “A”;
2. The PUD is limited to a maximum of four (4) residential dwelling units and 8,600 square feet of commercial uses. Allowable uses shall be limited to those listed in the Schedule of Uses, attached as Exhibit ‘B’. Any use requiring Special Exception in the B-2 zoning district per Table 4-70.8 will require Special Exception approval and is not permitted by right via this PUD.
3. Development Standards must conform to Exhibit “C”.
4. All development must conform to the general design of the Master Concept Plan (MCP) contained in Exhibit “D” and the requirements of the Land Development Code. Prior to the

- 46 City Commission public hearing, the MCP must be revised to delineate compliance with all
47 conditions.
- 48 5. Streetscape plantings consistent with LDC Section 4-80.10 must be provided along the SR 80
49 frontage, including a minimum of four (4) medium trees. Building perimeter landscaping must
50 be provided in accordance with 4-80.11.
 - 51 6. A 5-foot sidewalk must be provided along the Lashley Street frontage, which connects to the
52 existing sidewalk on SR 80.
 - 53 7. At least one (1) bike rack must be provided on Site #1;
 - 54 8. A minimum of 15% open space shall be provided within the PUD.
 - 55 9. Development must connect to the City's potable water and sanitary sewer system.
 - 56 10. Parking spaces shall be provided as shown on the Master Concept Plan. Parking spaces on
57 Site #1 that back-out onto Lashley Street are permitted until such time as the properties to the
58 west of Lashley Street are developed, upon which time the parking spaces must be removed
59 or converted to parallel parking spaces.
 - 60 11. Prior to issuance of occupational licenses for tenants of the commercial units, the Building
61 Official, or their assigns, shall review list of current tenants and available, on-site parking
62 spaces to ensure adequate parking is provided within the PUD. The Building Official is
63 authorized to administratively approve up to a 15% parking reduction based upon
64 demonstration of tenant mix with differing peak hour parking demands.
 - 65 12. The developer must receive local building permit approval for all improvements proposed
66 within the development, including approval by the City Fire Chief for compliance with the
67 Florida Fire Prevention Code and the Building Official, or their assigns, for compliance with
68 the Florida Building Code. Certificates of occupancy will not be issued until all work is
69 completed in accordance with these requirements.
 - 70 13. The SR 80 façade of the building on Site #1 will contain a minimum of two (2) of the
71 following design features: awnings, shutters or decorative window trim, covered porch or
72 defined entry, accent banding or roofline trim, parapet or roofline feature, stonework accents,
73 and/or planted trellises.
 - 74 14. The PUD Master Concept Plan will remain valid for not more than five (5) years from the
75 date of City Commission approval. Horizontal construction must commence within five (5)
76 years or the MCP will be deemed vacated. Upon such time a new PUD zoning approval must
77 be filed and approved by the City Commission. A one (1) time extension of 6 months may be
78 submitted to the City prior to vacation of the MCP.

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80 **Section 3. Conflict with other Ordinances.** The provisions of this article shall supersede any
81 provisions of existing ordinances in conflict herewith to the extent of said conflict.

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

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88 **Section 5. Effective Date.** This Ordinance shall become effective immediately upon its adoption.

89 **PASSED AND ADOPTED** in open session this 9th day of May, 2019.

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THE CITY OF LABELLE, FLORIDA

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By: _____

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David A Lyons, Mayor

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Attest:

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Thomas A. Smith, Clerk-Commissioner

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APPROVED AS TO FORM AND
LEGAL SUFFICIENCY:

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By: _____

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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 Zimmerly _____ _____

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EXHIBIT A

LEGAL DESCRIPTION

LOTS 7, 8 & 9, BLOCK 1, W.T. MADDOX'S SUBDIVISION, SECTION 1, ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 3, PAGE 8 OF THE PUBLIC RECORDS OF HENDRY COUNTY, FLORIDA.

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EXHIBIT B

SCHEDULE OF USES

All uses as permitted in the B-2 zoning district per the Land Development Code, excluding gas pumps, liquor stores, pawn shops, tattoo establishments, and outdoor storage and display.
Multiple-family dwelling units (limited to a maximum of 4 dwelling units)
Residential accessory Uses, limited to:
 Antennas/Satellite Dishes

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EXHIBIT C

SITE DEVELOPMENT REGULATIONS

Min. Parcel Size	15,000 sq. ft.
Min. Lot Width	100 ft.
Min. Lot Depth	100 ft.
Max. Lot Coverage	40%
Maximum Height	35 ft.
Minimum Living Area	400 sq. ft.
Minimum Setbacks	
SR 80	25 ft.
Lashley Street	17.8 ft.
1 st Avenue	25 ft.
Alley/Rear	5 ft.
Side	2.9 ft.
Min. Building Separation	5 ft.
Min. Open Space	15%

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EXHIBIT D - MASTER CONCEPT PLAN

