

1 CITY OF LABELLE
2 ORDINANCE 2019-24
3 LABELLE CHAPTER 144 DISABLED AMERICAN VETERANS
4 PLANNED UNIT DEVELOPMENT REZONE
5

6 AN ORDINANCE OF THE CITY OF LABELLE, FLORIDA, AMENDING THE CITY OF
7 LABELLE ZONING MAP FOR PROPERTY GENERALLY LOCATED SOUTH OF
8 MILLER AVENUE AND EAST OF SELMA DANIELS AVENUE (AKA
9 WITHLACOOCHEE AVENUE), CITY OF LABELLE, FLORIDA; AMENDING THE
10 ZONING DISTRICT FROM THE RESIDENTIAL NEIGHBORHOOD URBAN (RNU)
11 ZONING DISTRICT TO THE PLANNED UNIT DEVELOPMENT (PUD) ZONING
12 DISTRICT TO ALLOW FOR A PARKING LOT ACCESSORY TO THE DISABLED
13 AMERICAN VETERANS FLEA MARKET; PROVIDING FOR IDENTIFICATION OF
14 THE SUBJECT PROPERTY; PROVIDING FOR INTENT; PROVIDING FOR
15 SEVERABILITY; PROVIDING AN EFFECTIVE DATE.
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17 WHEREAS, LaBelle Chapter 144 Disabled Veterans Dept. of Florida, Inc. is the “Owner” of
18 real property, located south of Miller Avenue and east of Selma Daniels Avenue, City of LaBelle,
19 Florida, further described in Exhibit “A”, attached hereto, and
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21 WHEREAS, after duly advertised public hearings held on November 14, 2019 before the
22 Local Planning Agency “LPA”, and on December 12, 2019 and January 9, 2020 before the City
23 Commission; and,
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25 WHEREAS, the City Commission for the City of LaBelle has determined that the requested
26 rezoning is in compliance with the land use designation of “Outlying Mixed Use” and approval of
27 the rezoning application will further the goals and objectives of the City of LaBelle Comprehensive
28 Plan; and,
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30 WHEREAS, the City Commission for the City of LaBelle has determined the rezone of the
31 property to Planned Unit Development, is the most appropriate use of the property and this use will
32 promote, protect and improve the health, safety, comfort, good order, appearance, convenience and
33 general welfare of the public with the following conditions:
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- 35 1. The PUD rezone applies to the property as described in Exhibit ‘A’.
- 36 2. The only allowable use granted by this PUD is “Parking lot, ancillary to flea market”. Any
37 other use of the property will require PUD rezoning approval. If the flea market use to the
38 north of Miller Avenue discontinues in accordance with LDC Section 4-108, the zoning of
39 this property will revert back to Residential Neighborhood Urban (RNU).
- 40 3. Parking is only permitted during hours of operation for the Disabled American Veterans flea
41 market on Saturdays only, from 7 a.m. to 4 p.m., with the exception of vendor
42 loading/unloading and set-up.
- 43 4. No vertical structures may be developed on the site with the exception of a 6-foot tall
44 fence/wall along the eastern and southern property lines; one (1) 20’ x 30’ storage building;

- 45 and ancillary trash receptacles. The accessory storage building must maintain 20'
46 street/front setback; 10' rear setback; and 15' side yard setbacks.
- 47 5. Parking spaces may be delineated by wood post, log or other mechanism to ensure orderly
48 parking on the site. The site will be maintained with grass and/or stabilized material subject
49 to approval by the Superintendent of Public Works.
- 50 6. A minor site clearing permit must be obtained from the City prior to the clearing of
51 vegetation from the site. The Applicant will make every reasonable effort to preserve
52 existing vegetation on the site, particularly along the south and east property lines. All
53 significant oak trees must be preserved/protected in accordance with the Land Development
54 Code and are not authorized for removal via this PUD.

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

- 58
59 1. After being read by title at a public hearing on November 14, 2019 and a duly advertised
60 public hearings on December 12, 2019 and January 9, 2020, Ordinance 2019-24 is hereby
61 adopted, rezoning the property from RNU to PUD.
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63 2. If any Court of competent jurisdiction shall determine any portion or provision of this
64 ordinance unconstitutional or invalid, that portion shall be severed and the remainder of the
65 ordinance shall remain in full force and effect and given its ordinary meaning.
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67 3. This ordinance shall be codified within The City of LaBelle Code and City of LaBelle Land
68 Development Code.
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70 4. This ordinance shall become effective upon the effective date of Ordinance 2019-23.
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72 5. Any language within the City of LaBelle Code and/or City of LaBelle Land Development
73 Code in conflict with the language or provisions contained herein is hereby declared null
74 and void.

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77 **PASSED AND ADOPTED** in open session this 9th day of January, 2020.

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79 CITY COMMISSION OF THE CITY OF LABELLE,
80 FLORIDA

81 *****SEE CLERK FOR SIGNED VERSION*****

82
83 By: _____
84 David A. Lyons, Mayor

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87 ATTEST:

88 *****SEE CLERK FOR SIGNED VERSION*****

89 By: _____
90 Thomas A. Smith, Clerk-Commissioner

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APPROVED AS TO FORM AND
LEGAL SUFFICIENCY:

By: *****SEE CLERK FOR SIGNED VERSION*****

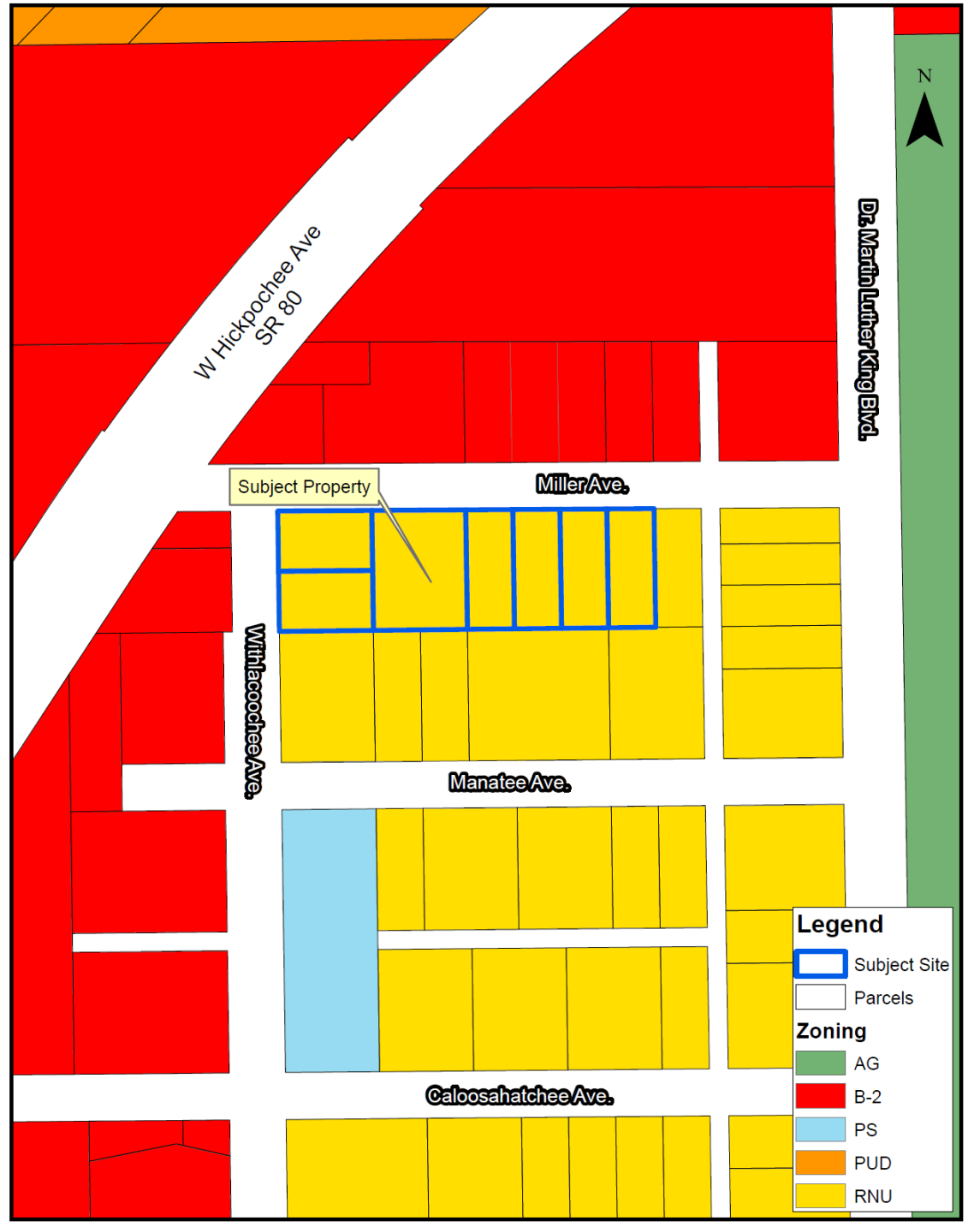
Derek Rooney, City Attorney

Vote:	AYE	NAY
Mayor Lyons	<u> X </u>	_____
Commissioner Smith	<u> X </u>	_____
Commissioner Wilkins	<u> X </u>	_____
Commissioner Akin	<u> X </u>	_____
Commissioner Zimmerly	_____	_____

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109 **EXHIBIT A**
110 LOTS 9, 11, 13, 15, 17, 19, NORTH ½ OF LOTS 21 AND 23, AND SOUTH ½ OF LOTS 21 AND
111 23, MILLER'S SUBDIVISION, ACCORDING TO THE PLAT THEREOF, RECORDED IN
112 PLAT BOOK 2, PAGE 67 OF THE PUBLIC RECORDS OF HENDRY COUNTY, FLORIDA.
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EXHIBIT B CURRENT ZONING MAP



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EXHIBIT C PROPOSED ZONING MAP



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