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**CITY OF LABELLE
ORDINANCE 2020-04
KMJ INVESTMENT GROUP LLC
PUD REZONE**

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AN ORDINANCE OF THE CITY OF LABELLE, FLORIDA, AMENDING THE CITY OF LABELLE ZONING MAP FOR A 2+/-ACRE PROPERTY LOCATED IMMEDIATELY NORTH OF STATE ROAD 80, APPROXIMATELY ¼ MILE EAST OF HUGGETTS ROAD; AMENDING THE ZONING DESIGNATION FROM UNINCORPORATED HENDRY COUNTY GENERAL AGRICULTURE (AG-2) DESIGNATION TO CITY OF LABELLE PLANNED UNIT DEVELOPMENT (PUD) DESIGNATION; PROVIDING FOR IDENTIFICATION OF THE SUBJECT PROPERTY; PROVIDING FOR INTENT; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

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WHEREAS, KMJ Investments Group, LLC has initiated a rezoning of real property, located north of SR 80 and ¼ mile east of Huggetts Road, City of LaBelle Florida, “the property” as described and depicted in Exhibit “A” attached hereto; and,

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WHEREAS, after a duly advertised public hearing held on March 12, 2020, before the LaBelle Local Planning Agency “LPA”, and a duly advertised public hearing on May 14, 2020 before the City of LaBelle City Commission; and,

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WHEREAS, the City Commission for the City of LaBelle has determined that the Planned Unit Development rezoning is in compliance with the annexation and future land use designation of “Employment Village”, and approval of the rezoning application will further the goals and objectives of the City of LaBelle Comprehensive Plan; and,

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WHEREAS, the City Commission for the City of LaBelle has determined the rezoning of the property to the Planned Unit Development zoning district, 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.

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 PUD rezone request applies to the property is described in Exhibit ‘A’.

- 45 2. The PUD is limited to a maximum of 13,000 SF of non-residential uses and six (6) multi-
46 family or live/work dwelling units.
- 47 3. Allowable uses shall be limited to those listed in the Schedule of Uses, attached as Exhibit
48 'B'.
- 49 4. On- and off-premise consumption of alcoholic beverages is permitted only in the 2-story
50 building facing SR 80. Any outdoor consumption of alcoholic beverages on-premises will
51 require approval as an amendment to this PUD, to be reviewed during a public hearing by
52 the City Commission.
- 53 5. Maintenance and Service Repair uses are limited to indoor only and may only be located
54 in the proposed 2-story building facing the SR 80 frontage if residential units are not
55 developed in this building. In no case shall residential units be located in the same building
56 as a maintenance and service repair establishment. No overhead doors are permitted.
- 57 6. Mini Warehouse uses are limited to interior accessed units only, with no external access
58 permitted. Overhead doors may not face SR 80 or northern property line.
- 59 7. Outdoor sales area is accessory only and allowed only during hours of operation of
60 associated use. The cumulative outdoor sales area for the entire PUD is limited to 500
61 square feet/3 parking spaces and must be located along the SR 80 frontage in front of the
62 2-story building.
- 63 8. The retail sales of heavy equipment, lumberyards or building supplies is prohibited.
- 64 9. Development Standards will conform for the Development Standards Table, attached as
65 Exhibit 'C'.
- 66 10. All development must conform to the general design of the Master Concept Plan contained
67 in Exhibit 'D' and the requirements of the Land Development Code.
- 68 11. Development must connect to the City's potable water and sanitary sewer system or
69 provide for on-site private utilities. A demonstration of capacity will be required at the time
70 of site construction permitting, including demonstration of a hydrant system to provide
71 adequate and continuous water flow for firefighting purposes.
- 72 12. The project will be managed by the developer/property owner, until such time as the
73 property is subdivided or a (commercial) condominium is established, upon which a
74 Property Owners Association (POA) must be established for maintenance of common
75 areas, parking areas, and infrastructure within the community.
- 76 13. Dumpsters, recycling facilities and service areas must be located internal to the site and
77 screened from all public rights-of-way by an opaque wall or fence.
- 78 14. A landscape buffer for the purposes of screening shall be required along the SR 80 frontage,
79 equal to or greater than a 15-foot wide buffer per LDC Section 4-87.4(1).
- 80 15. A deviation is permitted to allow for a modified northern landscape buffer, five feet in
81 width, and planted with two (2) large trees and two (2) small trees per 100 linear feet, and
82 a hedgerow planted at 36" and maintained at 60". An 8-foot tall opaque fence or wall must
83 be installed in the buffer, with all required plantings installed on the northern side of the
84 wall facing the adjacent single-family lots.
- 85 16. Buffers along the east and west property lines will meet the LDC requirements depending
86 upon the final use(s) developed on the site.
- 87 17. Internal buffers between residential and non-residential uses are not required, to the extent
88 such uses are vertically integrated into the same building.

- 89 18. A minimum of 30% of the development, or 0.6 acres of open space, as defined in the LDC,
90 shall be provided.
91 19. The project will provide parking spaces in accordance with the Land Development Code
92 for both residential and non-residential uses.
93 20. Access to SR 80 will require a permit from the Florida Department of Transportation and
94 this approval does not guarantee or grant access as shown on the MCP.
95 21. A cross access easement must be provided to the property to the east at the time of site
96 construction plan permitting.
97 22. The PUD Master Concept Plan will remain valid for not more than three (3) years from the
98 date of City Commission approval. Horizontal construction must commence within three
99 (3) years or the MCP will be deemed vacated. Upon such time a new PUD zoning approval
100 must be filed and approved by the City Commission. A one (1) time extension of 6 months
101 may be submitted to the City prior to vacation of the MCP.
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103 **Section 3. Conflict with other Ordinances.** The provisions of this article shall supersede any
104 provisions of existing ordinances in conflict herewith to the extent of said conflict.
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106 **Section 4. Severability.** In the event that any portion of this ordinance is for any reason held
107 invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a
108 separate, distinct and independent provision, and such holding shall not affect the validity of the
109 remaining portions of this ordinance.
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111 **Section 5. Effective Date.** This Ordinance shall become effective immediately upon its
112 adoption.
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115 **PASSED AND ADOPTED** in open session this _____ day _____, 2020.
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118 THE CITY OF LABELLE, FLORIDA
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121 By: _____
122 David A Lyons, Mayor

123 Attest:
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125 Thomas A. Smith, Clerk-Commissioner
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127 APPROVED AS TO FORM AND
128 LEGAL SUFFICIENCY:
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131 By: _____
132 Derek Rooney, City Attorney
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	Vote:	AYE	NAY
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136	Mayor Lyons	___	___
137	Commissioner Smith	___	___
138	Commissioner Wilkins	___	___
139	Commissioner Akin	___	___
140	Commissioner Kelley	___	___
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DRAFT

142 **EXHIBIT A**
143 **LEGAL DESCRIPTION**
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145 A PARCEL IN SECTION 18, TOWNSHIP 43 SOUTH, RANGE 29 EAST, HENDRY COUNTY,
146 FLORIDA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

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148 COMMENCING AT THE NORTHWEST CORNER OF GOVERNMENT LOT 1, ALSO THE
149 NORTHWEST CORNER OF SAID SECTION 18); THENCE NORTH 89°51'32" EAST, 1151.79
150 FEET, ALONG THE NORTH LINE OF SAID GOVERNMENT LOT 1 OF SECTION 18;
151 THENCE SOUTH 01°14'10" EAST, 322.02 FEET ALONG THE EAST LINE OF THE
152 NORTHWEST ONE-QUARTER OF THE NORTHWEST ONE-QUARTER OF SECTION 18,
153 AND THE WEST LINE OF PARKWOOD ESTATES AS RECORDED IN PLAT BOOK 3,
154 PAGE 23 OF THE PUBLIC RECORDS OF HENDRY COUNTY, FLORIDA, TO THE LANDS
155 DESCRIBED IN O.R. BOOK 644, PAGE 1860, PUBLIC RECORDS OF HENDRY COUNTY,
156 FLORIDA; THENCE CONTINUE SOUTH 01°14'10" EAST, 1011.97 FEET TO THE
157 SOUTHWEST CORNER OF PARKWOOD ESTATES, RECORDED IN PLAT BOOK 3, PAGE
158 23, PUBLIC RECORDS OF HENDRY COUNTY, FLORIDA, AND THE TRUE POINT OF
159 BEGINNING; THENCE NORTH 89°52'17" EAST, 191.41 FEET; THENCE SOUTH 01°14'10"
160 EAST, 385.22 FEET TO THE NORTHWESTERLY RIGHT OF WAY LINE OF STATE ROAD
161 80; THENCE SOUTH 49°52'18" WEST, ALONG SAID NORTHWESTERLY RIGHT OF WAY
162 LINE TO SAID EAST LINE OF THE NORTHWEST ONE-QUARTER OF THE NORTHWEST
163 ONE-QUARTER OF SECTION 18; THENCE NORTH 01°14'10" WEST, 543.29 FEET, ALONG
164 SAID EAST LINE OF THE NORTHWEST ONE-QUARTER OF THE NORTHWEST ONE-
165 QUARTER OF SECTION 18 TO THE TRUE POINT OF BEGINNING.
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**EXHIBIT B
SCHEDULE OF USES**

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RESIDENTIAL

- Caretakers/Security Quarters – a maximum of 1
- Dwelling Units - a maximum of six (6)
 - Multi-family
 - Live/Work
- Accessory uses

NON-RESIDENTIAL

- Accessory Use/Structure
- Food and Beverage Sales/Establishments
 - Accessory Alcoholic Beverages Sales, On- and Off-Premises
 - Alcoholic Beverage Establishment
 - Liquor Store
 - Restaurants
 - Clubs, Lodges
- Cultural Institutions
- Healthcare Clinics
- Religious Assemblies/Church
- Amusement Facilities – indoor only
- Animal Sales/Services - indoor only and limited to:
 - Grooming
 - Animal Hospital/Clinic
 - Retail Sales
- Financial Institutions
- Maintenance and Service Repair – limited to indoor only and located in proposed 2-story building facing SR 80 frontage. Use is only permitted if residential units are not developed in 2-story building. No overhead doors are permitted.
- Mini Warehouse – limited to interior units only, no external access or overhead doors facing SR 80 or northern property line)
- Offices
- Outdoor Sales Area – Accessory Only and limited to 500 SF/approximately 3 parking spaces, only during hours of operation of associated use
- Personal Services
 - General
 - Dry Cleaning Establishments
- Private/Quasi-Public Facilities
- Retail Sales/Rental Establishments, General (no sales of heavy equipment, lumberyards or building supplies)
- Schools, Private

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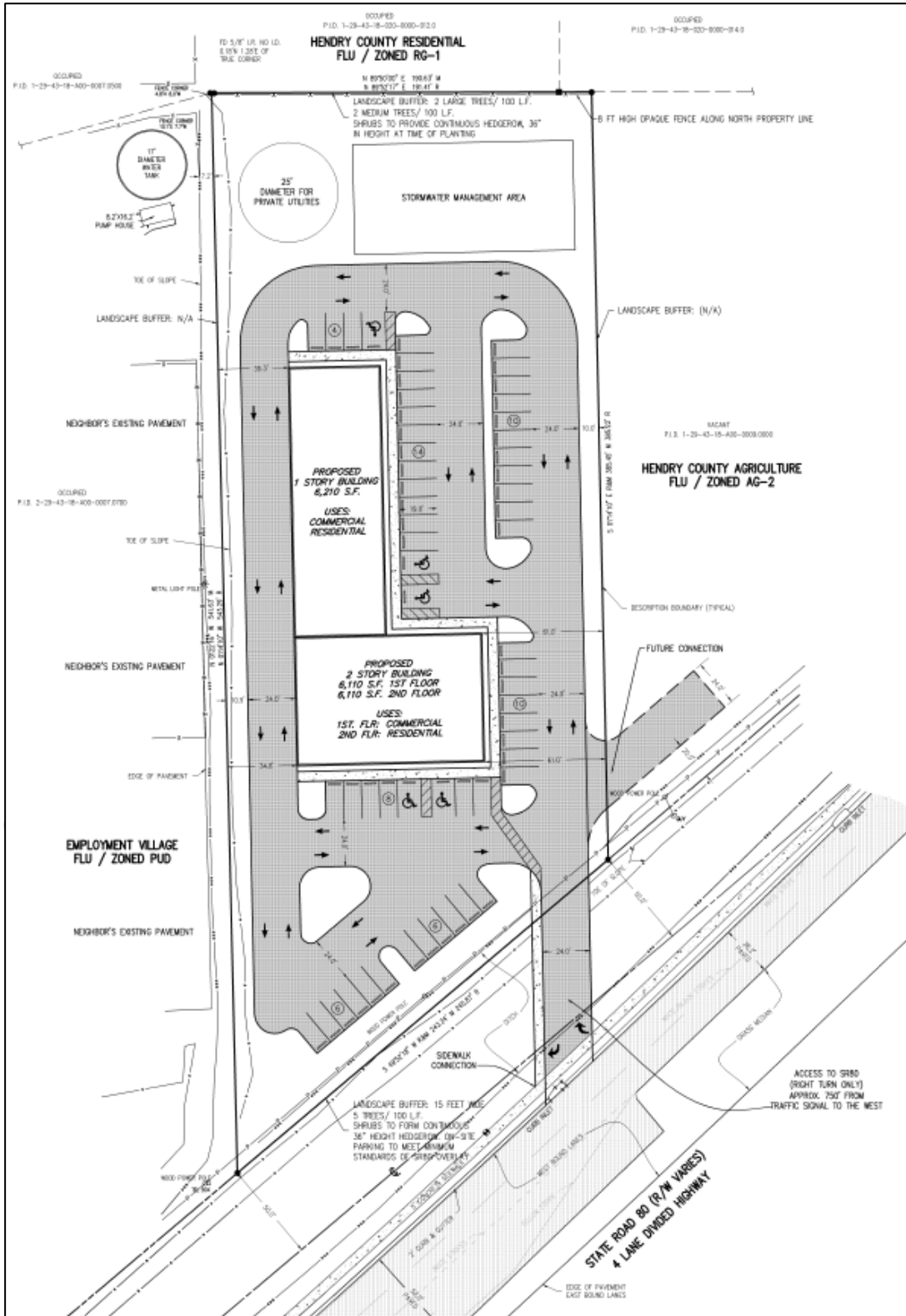
**EXHIBIT C
SITE DEVELOPMENT REGULATIONS**

MINIMUM AREA DIMENSIONS	
Min. Lot Size	10,000 sq. ft.
Min. Depth	100 sq. ft.
Min. Width	100 sq. ft.
Maximum Height	50 ft.
Maximum Lot Coverage	40%
Minimum Open Space	30%
Minimum Unit Size	750 sq. ft.
MAXIMUM BUILDING SETBACKS	
Front (SR 80)	20 ft.
Side	15 ft.
Rear	25 ft
Accessory Structures	Same ss principal structures
Minimum Building Separation	20 feet or ½ the building height, whichever is greater

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EXHIBIT D MASTER CONCEPT PLAN



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