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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 duly advertised public hearings on May 14, 2020, June 11, and July 9, 2020 before the City of LaBelle City Commission; and,

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,

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

- 89 17. Buffers along the east and west property lines will meet the LDC requirements depending
90 upon the final use(s) developed on the site.
91 18. Internal buffers between residential and non-residential uses are not required, to the extent
92 such uses are vertically integrated into the same building.
93 19. A minimum of 30% of the development, or 0.6 acres of open space, as defined in the LDC,
94 shall be provided.
95 20. The project will provide parking spaces in accordance with the Land Development Code
96 for both residential and non-residential uses.
97 21. Access to SR 80 will require a permit from the Florida Department of Transportation and
98 this approval does not guarantee or grant access as shown on the MCP.
99 22. A cross access easement must be provided to the property to the east at the time of site
100 construction plan permitting.
101 23. The PUD Master Concept Plan will remain valid for not more than five (5) years from the
102 date of City Commission approval. Horizontal construction must commence within five
103 (5) years or the MCP will be deemed vacated. Upon such time a new PUD zoning approval
104 must be filed and approved by the City Commission. A one (1) time extension of two (2)
105 years may be submitted to the City prior to vacation of the MCP.
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107 **Section 3. Conflict with other Ordinances.** The provisions of this article shall supersede any
108 provisions of existing ordinances in conflict herewith to the extent of said conflict.
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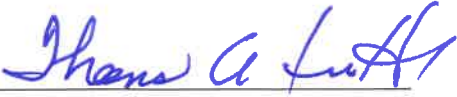
110 **Section 4. Severability.** In the event that any portion of this ordinance is for any reason held
111 invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a
112 separate, distinct and independent provision, and such holding shall not affect the validity of the
113 remaining portions of this ordinance.
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115 **Section 5. Effective Date.** This Ordinance shall become effective immediately upon its
116 adoption.
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119 **PASSED AND ADOPTED** in open session this 9th day July, 2020.
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121
122 THE CITY OF LABELLE, FLORIDA

123
124 By: 
125 David A Lyons, Mayor
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127 Attest: 
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129 Thomas A. Smith, Clerk-Commissioner
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131 APPROVED AS TO FORM AND
132 LEGAL SUFFICIENCY:
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Vote:

AYE

NAY

Mayor Lyons
Commissioner Smith
Commissioner Wilkins
Commissioner Akin
Commissioner Kelley

By:


Derek Rooney, City Attorney

145 **EXHIBIT A**
146 **LEGAL DESCRIPTION**
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148 A PARCEL IN SECTION 18, TOWNSHIP 43 SOUTH, RANGE 29 EAST, HENDRY COUNTY,
149 FLORIDA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:
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151 COMMENCING AT THE NORTHWEST CORNER OF GOVERNMENT LOT 1, ALSO THE
152 NORTHWEST CORNER OF SAID SECTION 18); THENCE NORTH 89°51'32" EAST, 1151.79
153 FEET, ALONG THE NORTH LINE OF SAID GOVERNMENT LOT 1 OF SECTION 18;
154 THENCE SOUTH 01°14'10" EAST, 322.02 FEET ALONG THE EAST LINE OF THE
155 NORTHWEST ONE-QUARTER OF THE NORTHWEST ONE-QUARTER OF SECTION 18,
156 AND THE WEST LINE OF PARKWOOD ESTATES AS RECORDED IN PLAT BOOK 3,
157 PAGE 23 OF THE PUBLIC RECORDS OF HENDRY COUNTY, FLORIDA, TO THE LANDS
158 DESCRIBED IN O.R. BOOK 644, PAGE 1860, PUBLIC RECORDS OF HENDRY COUNTY,
159 FLORIDA; THENCE CONTINUE SOUTH 01°14'10" EAST, 1011.97 FEET TO THE
160 SOUTHWEST CORNER OF PARKWOOD ESTATES, RECORDED IN PLAT BOOK 3, PAGE
161 23, PUBLIC RECORDS OF HENDRY COUNTY, FLORIDA, AND THE TRUE POINT OF
162 BEGINNING; THENCE NORTH 89°52'17" EAST, 191.41 FEET; THENCE SOUTH 01°14'10"
163 EAST, 385.22 FEET TO THE NORTHWESTERLY RIGHT OF WAY LINE OF STATE ROAD
164 80; THENCE SOUTH 49°52'18" WEST, ALONG SAID NORTHWESTERLY RIGHT OF WAY
165 LINE TO SAID EAST LINE OF THE NORTHWEST ONE-QUARTER OF THE NORTHWEST
166 ONE-QUARTER OF SECTION 18; THENCE NORTH 01°14'10" WEST, 543.29 FEET, ALONG
167 SAID EAST LINE OF THE NORTHWEST ONE-QUARTER OF THE NORTHWEST ONE-
168 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 one (1)
- Dwelling Units - a maximum of six (6)
 - Multi-family
 - Live/Work
- Accessory uses

NON-RESIDENTIAL

- Accessory Use/Structure
- Food and Beverage Sales/Establishments (sales for off-premise consumption limited to wine and beer only)
 - Accessory Alcoholic Beverages Sales, On- and Off-Premises (limited to accessory sale of wine and beer only for off-premise consumption. Accessory liquor sales for off-premise consumption is not permitted.)
 - Alcoholic Beverage Establishment
 - 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 are permitted.
- 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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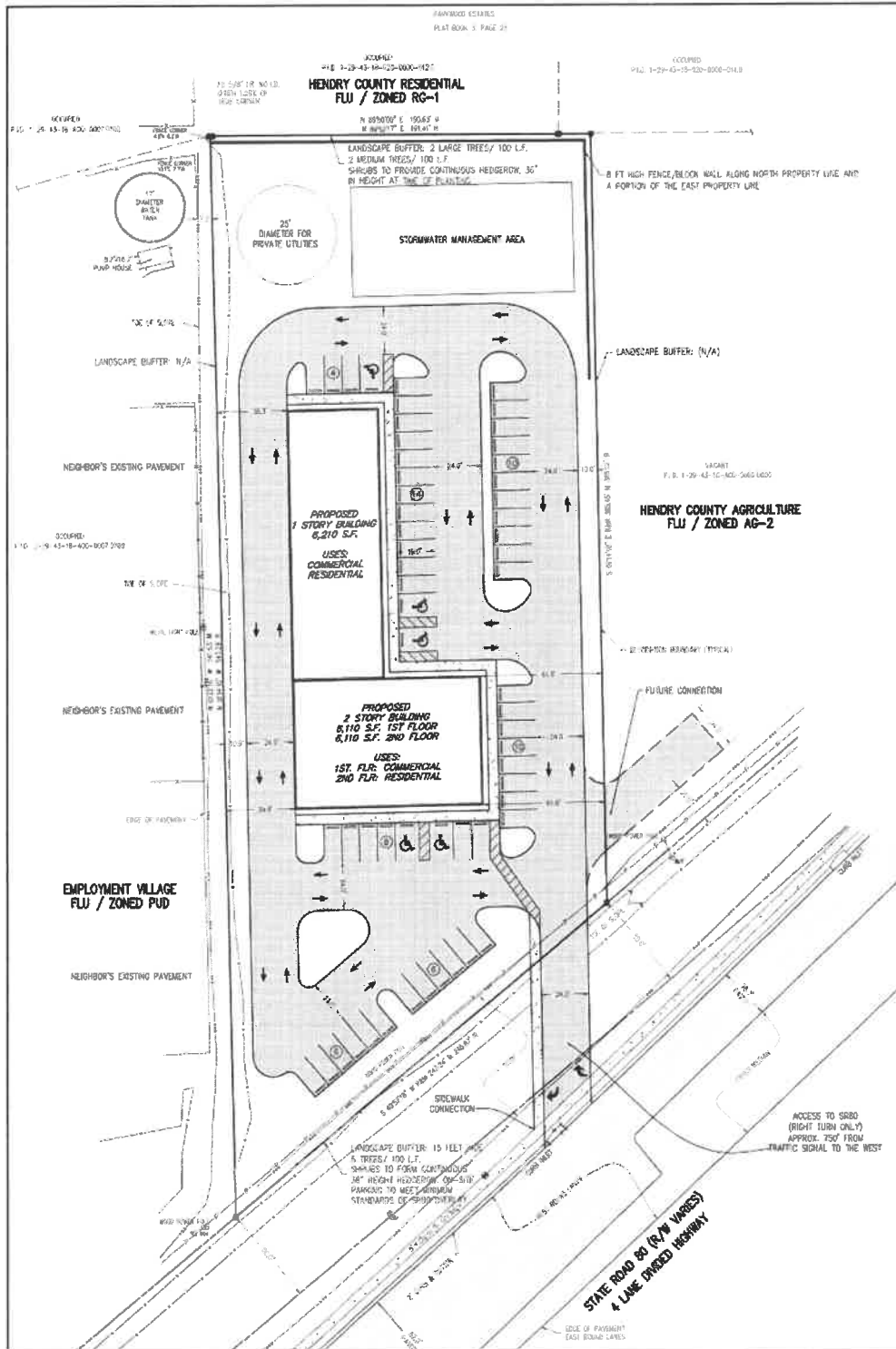
EXHIBIT C
SITE DEVELOPMENT REGULATIONS

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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