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**CITY OF LABELLE
ORDINANCE 2020-14
LABELLE CHAPTER 144 DISABLED AMERICAN VETERANS
PLANNED UNIT DEVELOPMENT AMENDMENT**

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AN ORDINANCE OF THE CITY OF LABELLE, FLORIDA, AMENDING ORDINANCE 2019-24 FOR THE DISABLED AMERICAN VETERANS FLEA MARKET PLANNED UNIT DEVELOPMENT; FOR PROPERTY GENERALLY LOCATED SOUTH OF MILLER AVENUE AND EAST OF SELMA DANIELS AVENUE (AKA WITHLACOOCHEE AVENUE), CITY OF LABELLE, FLORIDA; AMENDING CONDITIONS RELATING TO FENCING AND HOURS FOR PARKING; PROVIDING FOR INTENT; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

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WHEREAS, LaBelle Chapter 144 Disabled Veterans Dept. of Florida, Inc. is the “Owner” of real property, located south of Miller Avenue and east of Selma Daniels Avenue, City of LaBelle, Florida, further described in Exhibit “A”, attached hereto, and

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WHEREAS, after duly advertised public hearings held on September 10, 2019 before the Local Planning Agency “LPA”, and public hearings on October 8, 2020 and November 12, 2020 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 “Outlying Mixed Use” 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 amendment to conditions contained in PUD Ordinance 2019-24 will allow for appropriate use of the property and will protect the health, safety, comfort, good order, appearance, convenience and general welfare of the public with the following conditions:

1. The PUD rezone applies to the property as described in Exhibit ‘A’.
2. The only allowable use granted by this PUD is “Parking lot”, ancillary to flea market and commercial office uses at 220 Selma Daniels Avenue. Any other use of the property will require PUD rezoning approval. If the flea market use to the north of Miller Avenue discontinues in accordance with LDC Section 4-108, the zoning of this property will revert back to Residential Neighborhood Urban (RNU).
3. Parking is only permitted during hours of operation for the Disabled American Veterans flea market on Saturdays only, from 7 a.m. to 4 p.m., with the exception of vendor loading/unloading and set-up, and daily from 7 a.m. to 9 p.m. for the real estate sales office located at 220 Selma Daniels Avenue.
4. No vertical structures may be developed on the site with the exception of fencing complying the Land Development Code; one (1) 20’ x 30’ storage building; and ancillary trash receptacles. The storage building must have permissible veneer or siding set forth in LDC

46 Sec. 4-63, limited to lathe and stucco, block and stucco, lap siding, brick, vinyl lap siding,
47 wood, any composite materials specifically manufactured or designed as siding. The façade
48 facing SR 80 (north) must include a minimum of one (1) window not less than 3' X 3'. The
49 accessory storage building must maintain 20' street/front setback; 10' rear setback; and 15'
50 side yard setbacks.

- 51 5. Parking spaces may be delineated by wood post, log or other mechanism to ensure orderly
52 parking on the site. The site will be maintained with grass and/or stabilized material subject
53 to approval by the Superintendent of Public Works.
- 54 6. A minor site clearing permit must be obtained from the City prior to the clearing of
55 vegetation from the site. The Applicant will make every reasonable effort to preserve
56 existing vegetation on the site, particularly along the south and east property lines. All
57 significant oak trees must be preserved/protected in accordance with the Land Development
58 Code and are not authorized for removal via this PUD.

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

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63 1. After being read by title at a public hearing on September 10, 2020 and a duly advertised
64 public hearings on October 8, 2020 and November 12, 2020, Ordinance 2020-14 is hereby
65 adopted, amending the conditions of approval for the Planned Unit Development.
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- 67 2. If any Court of competent jurisdiction shall determine any portion or provision of this
68 ordinance unconstitutional or invalid, that portion shall be severed and the remainder of the
69 ordinance shall remain in full force and effect and given its ordinary meaning.
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- 71 3. This ordinance shall be codified within The City of LaBelle Code and City of LaBelle Land
72 Development Code.
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- 74 4. This ordinance shall become effective immediately upon its adoption.
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- 76 5. Any language within the City of LaBelle Code and/or City of LaBelle Land Development
77 Code in conflict with the language or provisions contained herein is hereby declared null
78 and void.
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82 PASSED AND ADOPTED in open session this 12th day of November, 2020.
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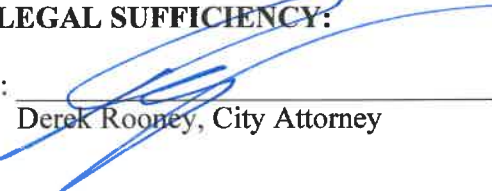
84 CITY COMMISSION OF THE CITY OF LABELLE,
85 FLORIDA

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88 By: 
89 David A. Lyons, Mayor
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92 ATTEST:

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94 By: 
95 Thomas A. Smith, Clerk-Commissioner
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97 APPROVED AS TO FORM AND
98 LEGAL SUFFICIENCY:
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100 By: 
101 Derek Rooney, City Attorney
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104	Vote:	AYE	NAY
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107	Mayor Lyons	<u>✓</u>	_____
108	Commissioner Smith	<u>✓</u>	_____
109	Commissioner Wilkins	<u>✓</u>	_____
110	Commissioner Akin	<u>✓</u>	_____
111	Commissioner Kelley	<u>✓</u>	_____
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EXHIBIT A

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LOTS 9, 11, 13, 15, 17, 19, NORTH ½ OF LOTS 21 AND 23, AND SOUTH ½ OF LOTS 21 AND 23, MILLER'S SUBDIVISION, ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 2, PAGE 67 OF THE PUBLIC RECORDS OF HENDRY COUNTY, FLORIDA.

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EXHIBIT B ZONING/LOCATION MAP



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