

CITY OF LABELLE
ORDINANCE 2018-04
PACIFIC TOMATO GROWERS, LTD.
PLANNED UNIT DEVELOPMENT
REZONE

AN ORDINANCE OF THE CITY OF LABELLE, FLORIDA, AMENDING THE CITY OF LABELLE ZONING MAP FOR PROPERTY LOCATED AT 615 WEST COWBOY WAY, CITY OF LABELLE, HENDRY COUNTY, FLORIDA; AMENDING THE ZONING DESIGNATIONS FROM R-3 MULTI-FAMILY RESIDENTIAL AND B-1 OFFICE PROFESSIONAL ZONES TO PUD, PLANNED UNIT DEVELOPMENT ZONE; PROVIDING FOR IDENTIFICATION OF THE SUBJECT PROPERTY; PROVIDING FOR INTENT; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; PROVIDING AN EFFECTIVE DATE.

WHEREAS, LaBelle Riverside, Inc. is the, “Owner,” of the real property, located at 615 West Cowboy Way City of LaBelle, Florida “the property,” more particularly described in Exhibit “A,” a copy of which is attached hereto and set forth herein; and,

WHEREAS, after public hearings held on January 11, 2018 before the LaBelle Local Planning Agency “LPA” and on February 8, 2018, before the City Commission, Ordinance No. 2018-04 is hereby adopted, for the property; and,

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” as approved per Ordinance No. 2018-04 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 requested rezone of the property to PUD, as amended, 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 with the following conditions:

1. The Amendment request applies to property as described in Exhibit ‘A’.
2. The PUD Master Plan will be consistent with the Master Concept Plan dated February 8, 2017, provided as Exhibit ‘B’.
3. The PUD Amendment provides for a maximum density of 466 beds / 116.5 units.
4. Allowable uses will be limited to those listed in the Schedule of Uses, attached as Exhibit ‘C’.
5. Development standards will conform to the Development Standards Table, attached as Exhibit ‘D’.
6. Removal of Significant Oak Trees as defined in Land Development Code Appendix B, Chapter 4 Section 4-80 and as located on the PUD Master Plan is approved.

7. Deviation from LDC Appendix B, Section 4-85.10.2 which requires 1.5 parking spaces per multi-family units to allow for 1.24 parking spaces per unit is approved.
8. A six-foot high perimeter concrete, panel or block wall will be required.
9. A secondary emergency ingress/egress only will be provided to Orange Avenue.
10. On-site street lighting will be required.
11. All living units will be well-marked with an identifying number.
12. Internal sidewalks and pedestrian gates that connect to the existing sidewalk on Cowboy Way and provide access to Orange Avenue/Davis Pratt Park will be required. The Orange Avenue pedestrian gate will remain locked except for Sundays, holidays or other events that may warrant access.
8. Demonstration of capacity and connection to City of LaBelle water and wastewater services will be required at the time of development.
9. Pursuant to Chapter 181, Florida Statutes, the developer will obtain and maintain all necessary permits from the State Department of Health.
10. A change in use, from residential to commercial will require an amendment to the Planned Unit Development.
11. All easements, dedications or other instruments shall be granted to the City of LaBelle as necessary to insure continued operation and maintenance of all service utilities.
12. The PUD Master Plan dated February 8, 2018 will remain valid for no more than five (5) years from the date of City Commission approval. Horizontal construction permit must be obtained within five years or the Master Concept Plan will be vacated. The applicant can request one, 6-month extension, however the extension request must be submitted to the City prior to the end of the five-year period. If the Master Concept Plan is vacated, re-application through the Planned Unit Development process will be required.

WHEREAS, development will conform to the PUD Master Plan, Schedule of Uses, and Development Standards as established in Exhibits B, C and D.

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

1. The City Commission, after a first reading by title on January 11, 2018 and duly advertised public hearings of the Local Planning Agency on January 11, 2018, and City Commission on February 8, 2018 hereby rezone the property from R-3 Multi-Family Residential and B-1 Office Professional to City of LaBelle zoning designation of PUD, Planned Unit Development, as amended.
2. If any Court of competent jurisdiction shall determine any portion or provision of this ordinance unconstitutional or invalid, that portion shall be severed and the remainder of the ordinance shall remain in full force and effect and given its ordinary meaning.
3. This ordinance shall be codified within The City of LaBelle Code and City of LaBelle Land Development Code.

4. This ordinance shall become effective upon the date of passage.
5. Any language within the City of LaBelle Code and/or City of LaBelle Land Development Code in conflict with the language or provisions contained herein is hereby declared null and void.
6. The City Commission hereby directs the Deputy Clerk to forward certified copies of this adopted ordinance within seven (7) days of the effective date hereof, to the Clerk of Circuit Court of Hendry County and the County Administrator for Hendry County.
7. In addition to the above notice, and as a public service, the City Commission hereby directs the Deputy Clerk to fax, email or hand deliver notification to the Hendry County Property Appraiser's Office, Hendry County Tax Collector's Office, Postmaster, Hendry County Sheriff's Office, E911 Office, Hendry County Supervisor of Elections and Hendry County Planning Office.

PASSED AND ADOPTED in open session this 8th day February, 2018.

THE CITY OF LABELLE, FLORIDA

By: _____
David A Lyons, Mayor

Attest:

Thomas A. Smith, Commissioner