

**CITY OF LABELLE  
ORDINANCE 2016-05  
GUTIERREZ REZONE**

AN ORDINANCE OF THE CITY OF LABELLE, FLORIDA, AMENDING THE CITY OF LABELLE ZONING MAP FOR PROPERTY LOCATED IN BOOTH SUBDIVISION, LOTS 1 TO 10 AND 23-26, AS RECORDED IN OFFICIAL RECORDS BOOK 520, PAGE 529 OF THE OFFICIAL RECORDS OF HENDRY COUNTY, FLORIDA, AMENDING THE ZONING DESIGNATION FROM HENDRY COUNTY ZONING DESIGNATION CI AND RG3 TO CITY OF LABELLE ZONING DESIGNATION OF PLANNED UNIT DEVELOPMENT (PUD); PROVIDING FOR IDENTIFICATION OF THE SUBJECT PROPERTY; PROVIDING FOR INTENT; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; PROVIDING AN EFFECTIVE DATE.

**WHEREAS**, JAIME GUTIERREZ is the owner, “Owner,” of the following described real property, located at 409 W. Cowboy Way, LaBelle, Florida “the property”:

LOTS 1-10, INCLUSIVE, AND LOTS 23-26, INCLUSIVE, BOOTH’S SUBDIVISION, PLAT BOOK 1, PAGE 21, HENDRY COUNTY, FLORIDA; LESS AND EXCEPT THE NORTH 10.00 FEET OF LOTS 1-6, BOOTH’S SUBDIVISION, PLAT BOOK 1, PAGE 21, HENDRY COUNTY, FLORIDA.

**WHEREAS**, after public hearings held on May 12, 2016, before the LaBelle Local Planning Agency “LPA” and the City Commission on Ordinance No. 2016-05 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 Commercial as approved per Ordinance No. 2016-04 and approval of the rezoning application will help accomplish 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 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:

**SEE EXHIBIT “A” ATTACHED HERERTO AND INCORPORATED HEREIN BY  
REFERENCE**

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 March 10, 2016 and duly advertised public hearings of the Local Planning Agency and City Commission on April 14, 2016, hereby rezones the property from Hendry County Zoning designation CI and RG3 to City of LaBelle Zoning designation of Planned Unit Development (PUD) into the corporate limits of the City the following described real property:

LOTS 1 TO 10 AND 23-26 OF BOOTHS SUBDIVISION, AS  
RECORDED IN OFFICIAL RECORDS BOOK 520, PAGE 529 OF  
THE OFFICIAL RECORDS OF HENDRY COUNTY, FLORIDA

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.
4. This ordinance shall become effective upon the date of passage.
5. Any language within the City of LaBelle 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 12<sup>th</sup> day May, 2016.

THE CITY OF LABELLE, FLORIDA

By: \_\_\_\_\_  
David A Lyons, Mayor

Attest:

\_\_\_\_\_  
Thomas A. Smith, Clerk-Commissioner