

ORDINANCE NO. 2022-08

AN ORDINANCE OF THE CITY OF CLEWISTON, FLORIDA, REZONING A PARCEL LOCATED ON S LOPEZ ST, SECTION 16, GENERAL PLAN OF CLEWISTON (GPC), PLAT BOOK 2, PGS 71 – 78 OF HENDRY COUNTY, FLORIDA, FROM TWO-FAMILY (DUPLEX) RESIDENTIAL (R-2) TO MULTIPLE-FAMILY RESIDENTIAL (R-3), PROVIDING FOR INCLUSION IN THE CODE, APPENDIX, AND ZONING MAP, CONFLICT AND SEVERABILITY; AND AN EFFECTIVE DATE.

WHEREAS, the local Land Use Planning Agency (LPA), comprised of the Planning and Zoning Board, received this request, found that it is consistent with the City's Comprehensive Plan, and recommended its approval.

NOW THEREFORE BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF CLEWISTON THAT:

SECTION 1. The Official Zoning Map of the City of Clewiston is hereby amended to reflect parcel #3-34-43-16-A00-0008.0000, S Lopez St, as more fully described in **Exhibit A** to this ordinance, as Multiple-Family Residential (R-3).

SECTION 2. INCLUSION IN THE CODE OF ORDINANCES. The provisions of this ordinance shall become and be made a part of the City Code of Ordinances and the sections of these ordinances may be renumbered and codified to accomplish this end. The Appendix and Zoning Map will be changed to correspond to this ordinance.

SECTION 3. CONFLICT. All ordinances or parts of ordinances in conflict herewith are hereby repealed. All ordinances or parts of ordinances not specifically in conflict herewith are hereby continued in full force and effect.

SECTION 4. SEVERABILITY. If any part of these ordinances are declared invalid by a court of competent jurisdiction, such part or parts shall be severable, and the remaining part or parts shall continue to be in full force and effect.

SECTION 5. EFFECTIVE DATE. These ordinances shall take effect immediately upon its passage and approval consistent with all requirements of general law.

PASSED on first reading by the City Commission on April 18, 2022.

PASSED AND ADOPTED on second and final reading by the City Commission on May 16, 2022.

ATTEST:

CITY OF CLEWISTON, FLORIDA



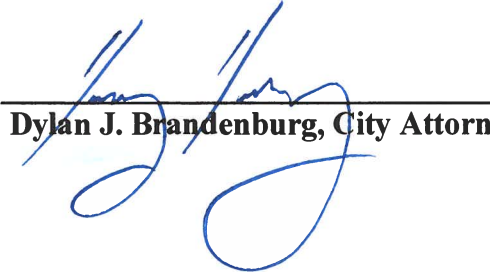
Mary K. Combass, City Clerk



Kristine Petersen, Mayor

(MUNICIPAL SEAL)

**APPROVED AS TO FORM
AND LEGAL SUFFICIENCY**

By: 

Dylan J. Brandenburg, City Attorney

EXHIBIT A



CITY OF CLEWISTON ZONING LAND USE CHANGE APPLICATION

DATE FILED: 12/29/21 FEE: \$1,000.00 Receipt # _____

ZONING and LAND USE CHANGE REQUEST

Existing: R-3 Proposed: R-3

	Existing	Proposed
Future Land Use Classification	Residential	Multi-Family
Existing Zoning District	Residential Duplex	Residential Multifamily
Use of Property	Vacant	Apartments

ON PROPERTY DESCRIBED AS:

Street/Road Address: S Lopez St.

Lot: 8, Block: _____, Addition: _____

Size of Property in Acres: _____

LEGAL DESCRIPTION:

Describe from deed records, attach copy of deed, and use Metes and Bounds Description:

PLATTED LAND: Parcel ID: 3 34 43 16 A00 0008.0000

UNPLATTED LAND (Must have certified metes and bounds description, including name and address and telephone number of surveyor):

RECORDED OWNER: Piper's Properties LLC

OWNER'S MAILING ADDRESS: 5520 Division Drive
Ft. Myers FL 33905

PHONE NUMBER: 863-673-1192

AGENT'S NAME: Derek Beck

AGENT'S MAILING ADDRESS: 5520 Division Drive
Ft. Myers FL 33905

PHONE NUMBER: 863-673-1192

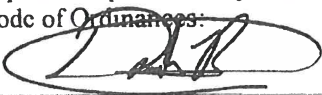
REQUIRED SUPPORTING INFORMATION: The Following listed information is required to be submitted with this application. All correspondence must be submitted in typewritten form.

- a. Aerial Photograph
- b. Location maps.
- c. Property survey.
- d. Statement of use

PREAPPLICATION CONFERENCE: Applicants are required to schedule a preapplication conference with Planning Department Staff to determine which of the below listed items are required to be submitted as optional supporting information to the application.

- a. Appraisal.
- b. Ordinances, resolutions, covenants, development agreements, etc. previously granted for the property.
- c. Photographs of adjacent uses/streetscape.
- d. Photographs of existing uses/structures.
- e. Title search.
- h. Any other supplemental supporting information as determined by the City

PETITION: As owner/Agent, I hereby petition the city for approval of the above described request as provided by the laws of the State of Florida and the City of Clewiston Code of Ordinances:

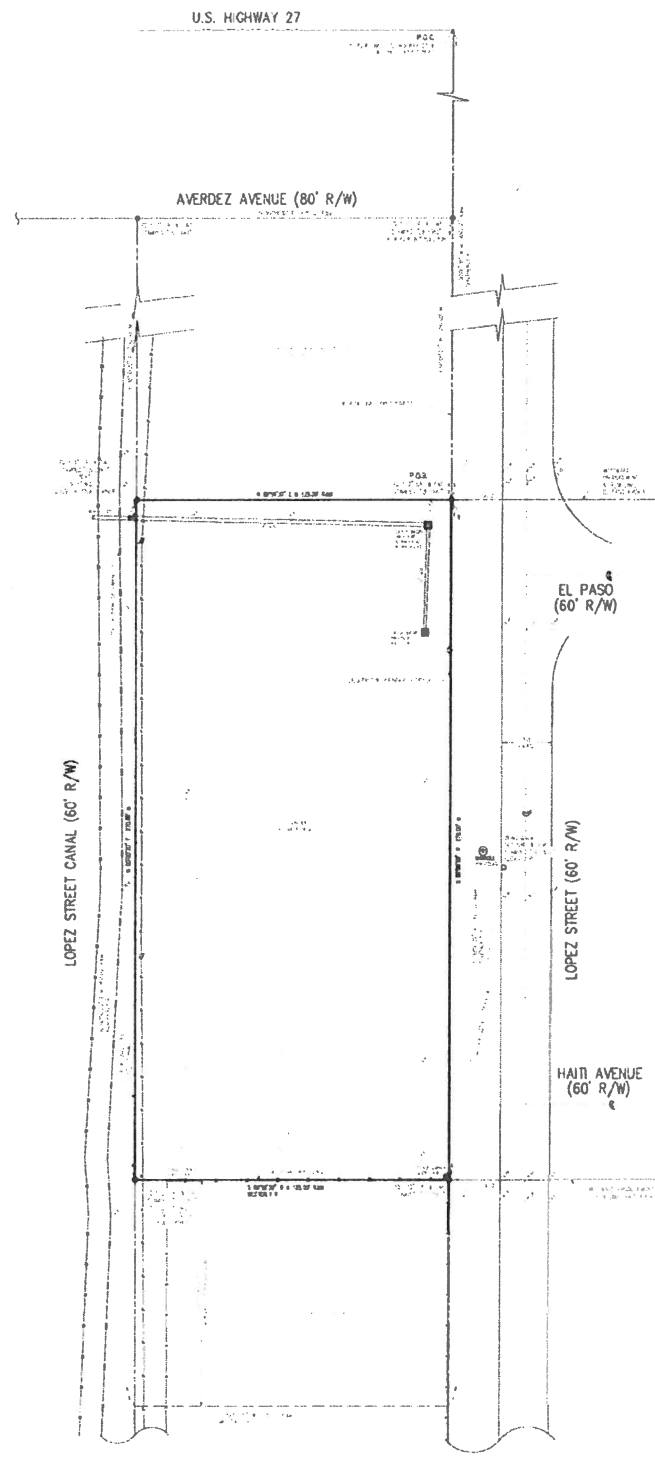
Signature  Signature: _____
(Owner) (Agent)

FEE: \$1000.00 DATE PAID: 12/30/21 RECEIPT NUMBER: _____

Note: Zoning changes may require an amendment to the City's Comprehensive Plan (Future Land Use Map). The type of development and size of property determines the assessed fees and process that will involve public hearings, ordinance adoption, and submission of an amendment package to the State Department of Community Affairs. In some cases, please expect a processing period of two to six months.



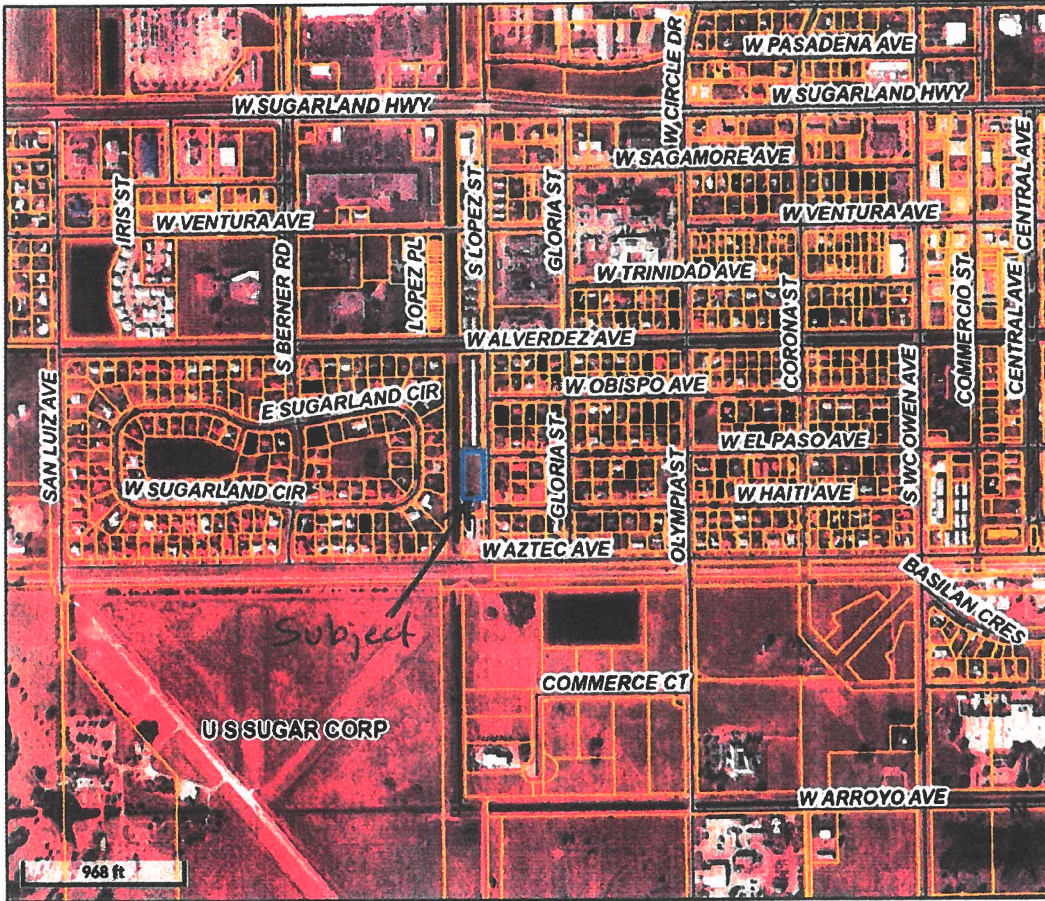
ABBREVIATIONS	LEGEND
1. CENTERLINE	1. CENTERLINE
2. RIGHT-OF-WAY	2. RIGHT-OF-WAY
3. PROPERTY LINE	3. PROPERTY LINE
4. EASEMENT	4. EASEMENT
5. EXISTING ROAD	5. EXISTING ROAD
6. PROPOSED ROAD	6. PROPOSED ROAD
7. EXISTING CANAL	7. EXISTING CANAL
8. PROPOSED CANAL	8. PROPOSED CANAL
9. EXISTING UTILITY	9. EXISTING UTILITY
10. PROPOSED UTILITY	10. PROPOSED UTILITY
11. EXISTING CURB	11. EXISTING CURB
12. PROPOSED CURB	12. PROPOSED CURB
13. EXISTING SIDEWALK	13. EXISTING SIDEWALK
14. PROPOSED SIDEWALK	14. PROPOSED SIDEWALK
15. EXISTING DRIVEWAY	15. EXISTING DRIVEWAY
16. PROPOSED DRIVEWAY	16. PROPOSED DRIVEWAY
17. EXISTING FENCE	17. EXISTING FENCE
18. PROPOSED FENCE	18. PROPOSED FENCE
19. EXISTING TREE	19. EXISTING TREE
20. PROPOSED TREE	20. PROPOSED TREE
21. EXISTING LOT	21. EXISTING LOT
22. PROPOSED LOT	22. PROPOSED LOT
23. EXISTING ADJACENT LOT	23. EXISTING ADJACENT LOT
24. PROPOSED ADJACENT LOT	24. PROPOSED ADJACENT LOT
25. EXISTING ADJACENT ROAD	25. EXISTING ADJACENT ROAD
26. PROPOSED ADJACENT ROAD	26. PROPOSED ADJACENT ROAD
27. EXISTING ADJACENT CANAL	27. EXISTING ADJACENT CANAL
28. PROPOSED ADJACENT CANAL	28. PROPOSED ADJACENT CANAL
29. EXISTING ADJACENT UTILITY	29. EXISTING ADJACENT UTILITY
30. PROPOSED ADJACENT UTILITY	30. PROPOSED ADJACENT UTILITY
31. EXISTING ADJACENT CURB	31. EXISTING ADJACENT CURB
32. PROPOSED ADJACENT CURB	32. PROPOSED ADJACENT CURB
33. EXISTING ADJACENT SIDEWALK	33. EXISTING ADJACENT SIDEWALK
34. PROPOSED ADJACENT SIDEWALK	34. PROPOSED ADJACENT SIDEWALK
35. EXISTING ADJACENT DRIVEWAY	35. EXISTING ADJACENT DRIVEWAY
36. PROPOSED ADJACENT DRIVEWAY	36. PROPOSED ADJACENT DRIVEWAY
37. EXISTING ADJACENT FENCE	37. EXISTING ADJACENT FENCE
38. PROPOSED ADJACENT FENCE	38. PROPOSED ADJACENT FENCE
39. EXISTING ADJACENT TREE	39. EXISTING ADJACENT TREE
40. PROPOSED ADJACENT TREE	40. PROPOSED ADJACENT TREE



H. L. BENVENISTE & ASSOCIATES, INC. 241 WINDING WHEEL - P.O. BOX 237 JACOLE, FLORIDA 32075 SURVEYING & TOPOGRAPHIC SURVEY OF A PARCEL OF SECTION 18, TOWNSHIP 33 S., RANGE 34 E. HENRY COUNTY, FLORIDA	DATE: 11/15/2011 DRAWN BY: J. B. BENVENISTE CHECKED BY: J. B. BENVENISTE PROJECT NO.: 11082-24
	SCALE: 1" = 20' SHEET NO.: 1 OF 1



Dena R. Pittman, CFA
Hendry County Property Appraiser



Overview



Legend

- City Limits
- Banyan Village
- Christopher Lane
- Double J Acres
- Everhigh Acres
- Felda
- LaDeca Acres
- Midway Acres
- Montura Ranch Estates
- Pioneer Plantation
- Pt LaBelle Units 1-
- Seven K Estates
- Wheeler Road
- Parcels
- Names
- Roads



Parcel ID	3 34 43 16 A000008.0000	Prop ID	35630	Owner Address	PIPER'S PROPERTIES LLC
Sec/Twp/Rng	16-43-34	Class	0000 - VACANT RESIDENTIAL		5520 DIVISION DR
Property Address	S LOPEZ ST	Acreage	0.77		FORT MYERS, FL 33905
	CLEWISTON				
District	3				
Brief Tax Description	CLEWISTON BEG NW COR OF SEC 16-E TO W LINE OF LOPEZ ST-S 1930 FT TO POB-S 360 FT-W 125 FT-N 360 FT-E 125 FT TO POB EXC S 90 FT.77 AC				
	(Note: Not to be used on legal documents)				

Date created: 12/28/2021
Last Data Uploaded: 12/27/2021 9:59:52 PM

Developed by Schneider
GEOSPATIAL

Piper's Properties



- Legend**
-  Feature 1
 -  Polygon Measure

Google Earth

600 ft



General Information

Owner	Piper's Properties LLC 5520 Division Drive Fort Myers, FL 33905
Agent	Derek Beck 863.673.1192
Site Address	S Lopez Street
Parcel Identification	3 34 43 16 A00 0008.0000

	Existing	Proposed
Future Land Use	Multi-Family – Two Family	Multi-Family – Two Family
Zoning	R-2 Two-Family (Duplex) Residential	R-3 Multiple-Family Residential
Use of Property	Vacant	Apartments
Acreage	0.77 acres	0.77 acres

Legal Description of Subject Property

A Parcel of land in the Northwest 1/4 of Section 16, Township 43 South, Range 34 East, Hendry County, and in the Corporate Limits of Clewiston, Florida, more particularly described as follows: From a point marking the intersection of the South right of way line of US Highway 27 with the West line of Lopez Street of the General Plan of Clewiston, Florida, run Southerly along said West line of Lopez Street a distance of 1,880.00 feet to the Point of Beginning; from the Point of Beginning, run Southerly along the West line of Lopez Street a distance of 360.00 feet; thence run Westerly on a prodcement Westward of the South line of Haiti Avenue a distance of 125.00 feet; thence run Northerly along the Easterly right of way line of Clewiston drainage district Lopez Street canal a distance of 360.00 feet; thence run Easterly on a prodcement Westward of the North line of E1 Paso Avenue a distance of 125.00 feet to the Point of Beginning. Less the South 90.00 feet of this described property.

Request

The Applicant is requesting a rezoning from R-2 Two-Family (Duplex) Residential to R-3 Multiple-Family Residential. The applicant wishes to build apartments rather than townhouses or duplexes.

Future Land Use, Zoning, and Existing Uses on Surrounding Properties

North	Future Land Use	Multi-Family – Two Family
	Zoning	R-2 Two-Family (Duplex) Residential
	Existing Use	Apartments
East	Future Land Use	Multi-Family – Two Family
	Zoning	R-2 Two-Family (Duplex) Residential
	Existing Use	Residential
South	Future Land Use	Multi-Family – Two Family
	Zoning	R-2 Two-Family (Duplex) Residential
	Existing Use	Residential
West	Future Land Use	Single Family
	Zoning	R-1C Single Family Residential
	Existing Use	Single Family Homes

Comprehensive Plan Analysis

The subject property is west and across the street from single family residences. To the north, south and east are properties designated as multi-family two-family on the Future Land Use Map and have R-2 two-family (duplex) residential zoning. The subject property has a future land use of multi-family two-family and the land use designation accommodates R-3 zoning.

The following Future Land Use and Housing policies have been examined to determine comprehensive plan consistency.

Future Land Use Element

Policy 1.1.2: The City shall effectively regulate or prohibit those uses which are inconsistent with the community's character ensuring compatible land use patterns.

Policy 1.1.6: Development density/intensity standards in the City for purposes of this Comprehensive Plan shall not exceed the following maximum limits, pre gross acre:

Single Family	4 dwelling units per acre
Multi-Family	14 to 18 dwelling units per acre*
Mobile Home	8 dwelling units per acre
Residential dwelling units in mixed-use configurations within the: Downtown Commercial District and US 27 Commercial Corridor District	Up to 18 dwelling units per acre (except that at least two dwelling units are permitted regardless of the resulting density) in addition to square footage allowed under maximum commercial floor area ratio

Commercial	Max. Floor Area Ratio of 1.0
Industrial	Max. Floor Area Ratio of 0.5
Public/Semi-Public	Not to exceed the most restrictive ground coverage requirement of adjacent uses

* Land which has been divided prior to the adoption of the Comprehensive Plan may be developed at net densities as provided in the City's Land Development Code as long as the gross density of the Comprehensive Plan is not exceeded.

Objective 1.7 The City will continue to maintain a development character which is compact in form, orderly in its land use pattern, and diversified in its make up so as to ensure employment, affordable housing, a pleasant living environment, and cost-effective public services.

Policy 1.7.1: The City will encourage clustering of urban uses in locations where infrastructure facilities are available or where extensions and enlargements can be achieved efficiently without contributing to unnecessary services installed to serve a dispersed development pattern.

Housing Element

Policy 1.2.8: The City, through enforcement of adopted land development regulations, shall allow a full range of housing types with appropriate site improvements and public facilities to ensure the long term stability of the housing and healthful, safe living environments within residential districts.

The location of the subject property seems appropriate for the density allowed under the multi-family Future Land Use category shown in Future Land Use Element Policy 1.1.6. Further, the allowance of apartments at this site is consistent with the diversity of housing types as outlined in Housing Policy 1.2.8.

Concurrency Analysis

In analyzing concurrency impacts for the applicant's request, it is significant that the subject property is less than an acre (0.71), in size. Therefore, there is little difference in the concurrency impacts of development under R-3 versus R-2 zoning that would include water, sewer, and solid waste usage as well as traffic and public school impacts. The traffic and school concurrency increases would be very minimal.

Recommendation

Based on the above analysis, staff recommends **approval** of the request to rezone the property from R-2 to R-3 with the understanding that the Applicant will be required to meet all Land Development Regulations as they pertain to the R-3 Zoning District.

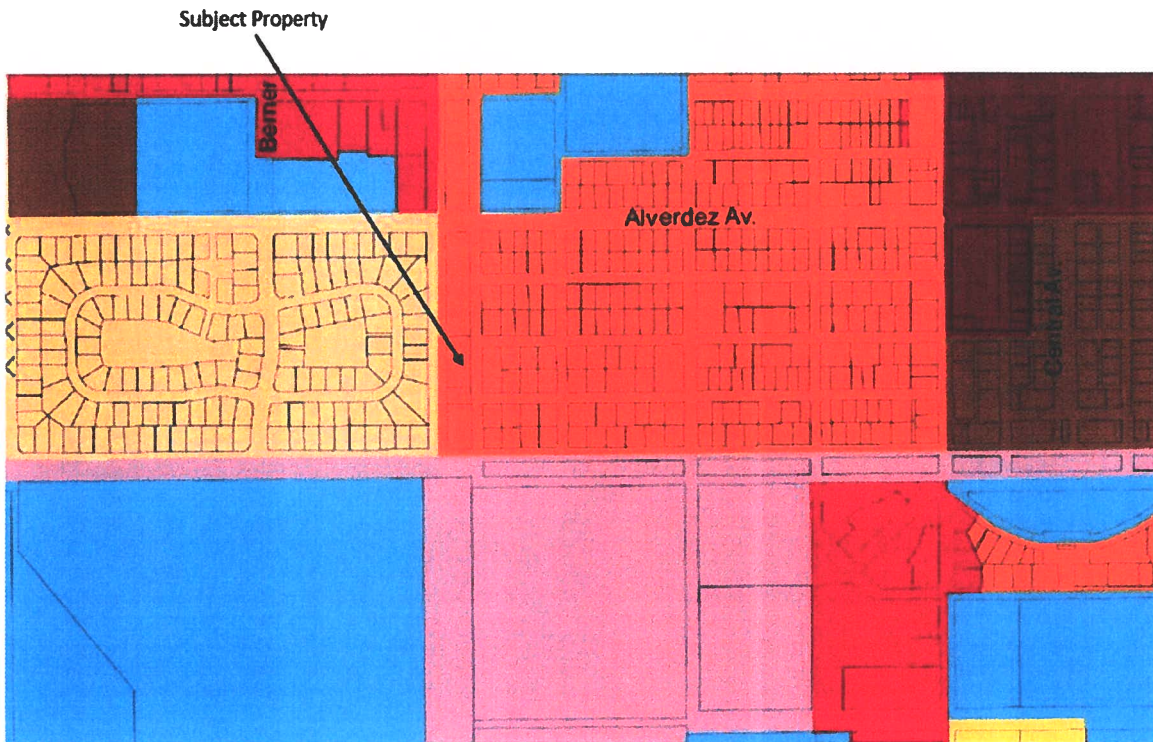
Submitted by:

James G. LaRue

James G. LaRue, AICP

March 3, 2022

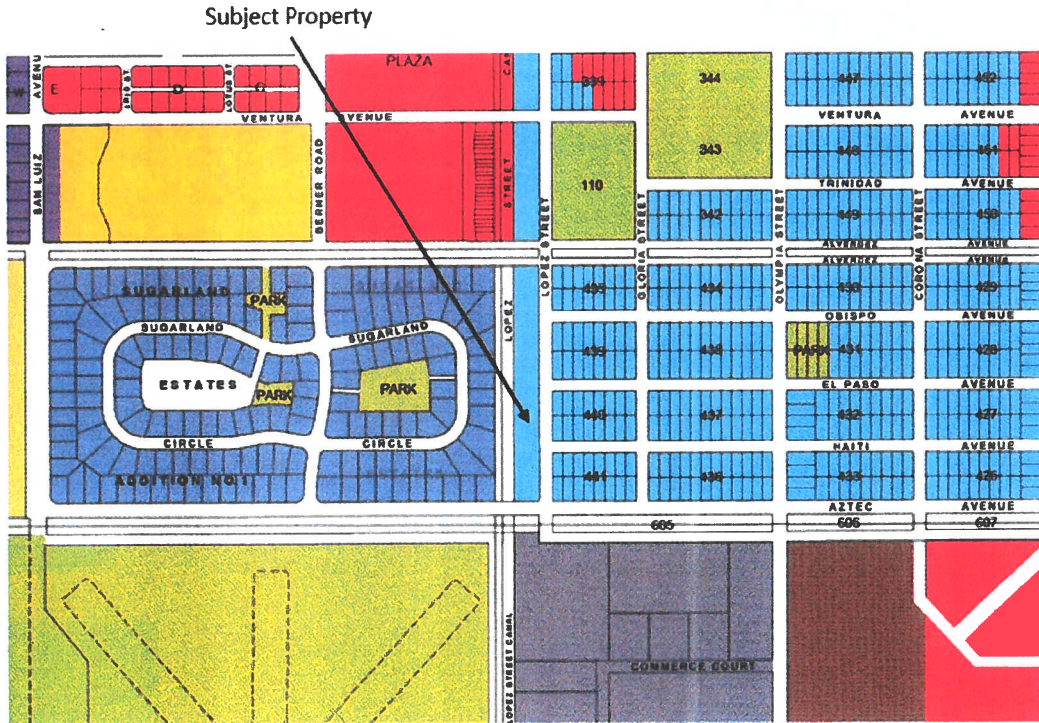
**FUTURE LAND USE
SUBJECT SITE AND ENVIRONS**



Legend

- Single-Family
- Mobile Home
- Multi-Family - Two Family
- Multi-Family - Other
- Gateway Mixed Use
- US 27 Commercial Corridor District
- Commercial
- Downtown Commercial District
- Industrial
- Public/Semi-Public

ZONING SUBJECT SITE AND ENVIRONS



ZONING LEGEND

- ZONE C
- ZONE CPID
- ZONE PUBLIC
- ZONE PUD
- ZONE R1-A
- ZONE R1-B
- ZONE R1-C
- ZONE R2
- ZONE R3
- ZONE RM-1
- ZONE RM-2
- ZONE I

SUBJECT SITE AND ENVIRONS

