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**CITY OF LABELLE
ORDINANCE 2020-13
LABELLE RIVERSIDE PLANNED UNIT DEVELOPMENT**

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AN ORDINANCE OF THE CITY OF LABELLE, FLORIDA, AMENDING THE CITY OF LABELLE ZONING MAP FOR A 9.35+/-ACRE PROPERTY LOCATED IMMEDIATELY SOUTH OF COWBOY WAY AND ¼ MILE EAST OF DR. MARTIN LUTHER KING JR. BLVD; AMENDING THE ZONING DISTRICT FROM BUSINESS PROFESSIONAL (B-1) AND MULTI-FAMILY RESIDENTIAL (R-3) TO THE PLANNED UNIT DEVELOPMENT (PUD) ZONING DISTRICT; PROVIDING FOR IDENTIFICATION OF THE SUBJECT PROPERTY; PROVIDING FOR INTENT; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

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WHEREAS, LaBelle Riverside, Inc. is the “Owner” of real property, located at 615 W. Cowboy Way, City of LaBelle, Florida, further described in Exhibit “A”, attached hereto;

WHEREAS, the City of LaBelle adopted the Outlying Mixed-Use future land use category on the subject property to allow for development of master-planned communities providing a full range of residential and non-residential uses; and

WHEREAS, the Owner, filed an application to rezone the subject property to Planned Unit Development to allow for the development of a residential community consistent with the City’s intent for the Outlying Mixed-Use future land use category; and

WHEREAS, after duly advertised public hearings held on July 9, 2020 before the LaBelle Local Planning Agency “LPA”, and on August 13, 2020 and September 10, 2020 before the City Commission; and,

WHEREAS, the City Commission for the City of LaBelle has determined that the requested PUD 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,

WHEREAS, the subject application and plans have been reviewed by City of LaBelle Planning Department in accordance with applicable regulations for compliance with all terms of the administrative approval procedures; and

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 Planned Unit Development (PUD) is hereby amended, upon a finding that this is the most appropriate use of the property and this use will promote,

46 protect and improve the health, safety, comfort, good order, appearance, convenience and general
47 welfare of the public subject to the following conditions:
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- 49 1. The Rezone request applied to the property is described in Exhibit 'A'.
- 50 2. The PUD is limited to a maximum of 93 multi-family dwelling units and 5,000 SF of
51 commercial uses.
- 52 3. Allowable uses shall be limited to those listed in the Schedule of Uses, attached as Exhibit
53 'B'.
- 54 4. Development Standards will conform to the Development Standards Table, attached as
55 Exhibit 'C'.
- 56 5. All development must conform to the general design of the Master Concept Plan contained
57 in Exhibit 'D' and the requirements of the Land Development Code.
- 58 6. All residential buildings (including amenity structures), signage and accessory structures
59 within the development must have consistent architectural theme and color palette.
- 60 7. Site construction plans must demonstrate an internal sidewalk system to connect the
61 residential buildings to on-site amenities and recreational areas, parking, and to the external
62 sidewalk network.
- 63 8. Development must connect to the City's potable water and sanitary sewer system. A
64 demonstration of capacity will be required at the time of development, in addition to
65 sufficient water pressure for a hydrant system and sprinklers within the building, if required
66 by the Florida Building Code and NFPA fire prevention code.
- 67 9. The developer/owner or their designee, which may include a property owners association
68 (POA) or homeowner's association (HOA) must maintain common areas, parking areas,
69 and infrastructure within the community. If a POA/HOA is established, documents must
70 be provided to the City at the time of site construction plan permitting.
- 71 10. A minimum of 30% of the development, or 2.8+/- acres, of open space shall be provided
72 within the PUD. At minimum of 10%, or 0.93+/-acres of the site must be in the form of
73 useable open space as defined in the Land Development Code, and which may include both
74 passive and active recreational uses.
- 75 11. A minimum of 1.5 parking spaces per dwelling unit must be provided on the site
76 construction plans. This may include parking spaces in private garages and driveways for
77 townhome dwelling types. In addition, the amenity site must include a minimum of three
78 (3) parking spaces.
- 79 12. Dumpsters, recycling facilities and service areas must be setback a minimum of 25 feet
80 from the PUD boundary and screened via an opaque wall or fence.
- 81 13. A streetscape buffer must be provided along Cowboy Way in accordance with the LDC.
82 A 6-foot tall opaque fence and a 5-foot wide Type A buffer must be provided along the
83 eastern and western property lines.
- 84 14. This PUD authorizes the removal of seventeen (17) significant oak trees, to be replanted
85 on-site with Live Oak trees in accordance with LDC Section 4-80.16.5. If additional
86 significant oak trees must be removed to develop the project in accordance with the Master
87 Concept Plan, the removal of any additional trees must be mitigated in accordance with
88 LDC Section 4-80.16.5 without further review by the Commission.
- 89 15. The PUD Master Concept Plan will remain valid for not more than five (5) years from the
90 date of City Commission approval. Horizontal construction must commence within five

91 (5) years or the MCP will be deemed vacated. Upon such time a new PUD zoning approval
92 must be filed and approved by the City Commission. A one (1) time extension of three (3)
93 years may be submitted to the City prior to vacation of the MCP for administrative
94 approval, where Staff determines the LDC regulations applicable to the development of the
95 PUD have not substantially changed. If Staff determines the LDC regulations have
96 substantially changed since adoption of the PUD, the extension must be reviewed by the
97 City Commission during one (1) public hearing.
98

99 **Section 3. Conflict with other Ordinances.** The provisions of this article shall supersede any
100 provisions of existing ordinances in conflict herewith to the extent of said conflict.
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102 **Section 4. Severability.** In the event that any portion of this ordinance is for any reason held
103 invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a
104 separate, distinct and independent provision, and such holding shall not affect the validity of the
105 remaining portions of this ordinance.
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107 **Section 5. Effective Date.** This Ordinance shall become effective immediately upon its
108 adoption.
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110 PASSED AND ADOPTED in open session this 10th day September, 2020.
111

112 THE CITY OF LABELLE, FLORIDA

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116 By: 
117 David A Lyons, Mayor

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119 Attest: 
120 Thomas A. Smith, Clerk-Commissioner
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122
123 APPROVED AS TO FORM AND
124 LEGAL SUFFICIENCY:
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127 By: 
128 Derek Rooney, City Attorney
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	Vote:	AYE	NAY
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133			
134	Mayor Lyons	<input checked="" type="checkbox"/>	<input type="checkbox"/>
135	Commissioner Smith	<input checked="" type="checkbox"/>	<input type="checkbox"/>
136	Commissioner Wilkins	<input checked="" type="checkbox"/>	<input type="checkbox"/>
137	Commissioner Akin	<input checked="" type="checkbox"/>	<input type="checkbox"/>
138	Commissioner Kelley	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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**EXHIBIT A
LEGAL DESCRIPTION**

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ALL OF LOT 2, OF THE W.T .WILLIAMS SUBDIVISION, LOT 2, BEING THE WEST 1/2 OF THE EAST 1/2 OF THE NORTHEAST 1/4 OF THE NORTHWEST 1/4 OF SECTION 17, TOWNSHIP 43 SOUTH, RANGE 29 EAST, HENDRY COUNTY, FLORIDA.

LESS

ROAD RIGHT OF WAY OVER THE NORTH 40 FEET THEREOF.

AND LESS THE EAST 135.45 FEET THEREOF, AS DESCRIBED IN OFFICIAL RECORDS BOOK 667, PAGE 1860, PUBLIC RECORDS HENDRY COUNTY, FLORIDA.

AND TOGETHER WITH:

THE EAST 1/2 OF THE EAST 1/2 OF THE WEST 1/2 OF THE NORTHEAST 1/4 OF THE NORTHWEST 1/4 OF SAID SECTION 17,

LESS THE NORTH 276 FEET THEREOF.

AND LESS THE WEST 150 FEET OF THE SOUTH 145 FEET THEREOF.

**EXHIBIT B
SCHEDULE OF USES**

164	
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168	<u>Residential Tract</u>
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170	Accessory Residential Uses
171	Permitted accessory and storage buildings:
172	Children's playhouses
173	Patios
174	Gazebos
175	Private barbeque pits or pavilions
176	Noncommercial greenhouses and plant nurseries
177	Swimming pool
178	Essential services, such as but not limited to cable, fiber optic, public utilities
179	Fences and walls in accordance with LDC Chapter 4
180	Gates and gatehouses
181	Model Home/Unit
182	Management Office
183	Recreational amenities, private, on-site
184	Residential dwellings (limited to a maximum of 93 dwelling units)
185	Multi-family dwellings
186	Signs in accordance with LDC Chapter 4
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188	<u>Commercial Tract</u>
189	
190	Accessory uses/structures
191	Daycare
192	Health care, limited to walk-in clinic
193	Religious Assemblies/Church
194	Essential services
195	Indoor amusement
196	Animal Sales and Service, limited to pet grooming, retail sales, clinic (no boarding, no outdoor
197	runs)
198	Financial institutions
199	Food and beverage sales/establishments, limited to restaurants, wholesale bakeries
200	Offices, medical and general
201	Personal services
202	Retail sales/rental establishments, no heavy equipment, lumberyards, building supplies. No
203	outdoor storage
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**EXHIBIT C
SITE DEVELOPMENT REGULATIONS**

	Multi-Family ¹	Commercial	Amenity/Clubhouse
Min. Lot Size	N/A	5,000 SF	N/A
Min. Depth	N/A	100'	N/A
Min. Width	N/A	50'	N/A
Maximum Height ⁽¹⁾	45'/2 stories	35'/2 stories	35'/2 stories
Maximum Lot Coverage	40%	50%	40%
Minimum Unit Size	800 SF	N/A	N/A
BUILDING SETBACKS			
Street/Front	25'	25'	25'
Side	15'	15'	15'
Rear (Principal)	20'	20'	20'
Rear (Accessory)	5'	10'	5'
Waterbody	20'	20'	20'
Minimum Building Separation	½ Building Height	15'	15'

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1. Multi-family buildings must be setback from the PUD perimeter a distance equal to ½ the building height, as defined in the LDC.

EXHIBIT D MASTER CONCEPT PLAN

