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**CITY OF LABELLE  
ORDINANCE 2022-06  
LIBERTY VILLAGE PLANNED UNIT DEVELOPMENT**

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**AN ORDINANCE OF THE CITY OF LABELLE, FLORIDA, AMENDING THE CITY OF LABELLE ZONING MAP FOR A 280+/-ACRE PROPERTY LOCATED SOUTH OF HELMS ROAD AND ¼ MILES WEST OF STATE ROAD 29; AMENDING THE ZONING DISTRICT FROM AGRICULTURE (AG) 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**, Jack Paul Properties, Inc. is the “Owner” of real property, located south of Helms Road and ¼ miles west of SR 29, City of LaBelle, Florida, further described in Exhibit “A”, attached hereto;

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**WHEREAS**, the City of LaBelle adopted the South LaBelle Village Community future land use category to allow for development of master-planned communities providing a range of housing types and non-residential uses; and

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**WHEREAS**, the Owner, filed an application to rezone the subject property to Planned Unit Development to allow for the development of a mixed-use development consistent with the City’s intent for the South LaBelle Village Community future land use category; and

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**WHEREAS**, after duly advertised public hearings held on May 12, 2022 before the LaBelle Local Planning Agency “LPA”, and on June 9, 2022 and July 14, 2022 before the City Commission; and,

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**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 “South LaBelle Village Community Urban Residential and Village Residential Subdistricts” 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 adopted, 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:  
48

49 **BE IT ENACTED BY THE CITY COMMISSION OF THE CITY OF LABELLE,**  
50 **FLORIDA, that:**  
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- 52 1. The Rezone request applied to the property is described in Exhibit 'A'.
- 53 2. The PUD is limited to a maximum of 971 single-family dwelling units and 60,000 SF of  
54 commercial retail/office uses. Commercial retail uses can be converted to multi-family or  
55 live-work residential uses at a rate of 94 SF of retail for every one (1) multi-family dwelling  
56 unit. However, in no case shall the density of multi-family units on the commercial tract  
57 exceed 180 dwelling units (6 du/acre). Stand-alone residential uses are not permitted in the  
58 commercial tract, and all multi-family units and/or live-work units must be vertically  
59 integrated into the commercial building.
- 60 3. Commercial development shall not exceed 20 acres. A maximum FAR of 0.5 is allowed  
61 for commercial development.
- 62 4. Allowable uses shall be limited to those listed in the Schedule of Uses, attached as Exhibit  
63 'B'.
- 64 5. Development Standards will conform to the Development Standards Table, attached as  
65 Exhibit 'C'.
- 66 6. All development must conform to the general design of the Master Concept Plan contained  
67 in Exhibit 'D' and the requirements of the Land Development Code. Any amendment to  
68 the Master Concept Plan that eliminates the golf course, golf course driving range, or the  
69 pool, or the commercial must be accomplished through a public hearing to ensure that  
70 appropriate usable open space and amenities to serve the residential community will be  
71 provided.
- 72 7. All buildings (including residential, amenity, and non-residential structures), signage and  
73 accessory structures within the development must have consistent architectural theme and  
74 color palette.
- 75 8. Site construction plans must demonstrate an internal sidewalk system to connect the  
76 residential buildings to on-site amenities and recreational areas, commercial areas, parking,  
77 and to the external sidewalk network. Pedestrian and bicycle access shall be provided to  
78 Helms Road. Minimum 5' wide sidewalks are required on both sides of internal rights-of-  
79 way.
- 80 9. Development must connect to the City's potable water and sanitary sewer system. A  
81 demonstration of capacity will be required at the time of development, in addition to  
82 sufficient water pressure for a hydrant system and sprinklers within the building, if required  
83 by the Florida Building Code and NFPA fire prevention code.
- 84 10. The developer/owner or their designee, which may include a property owners association  
85 (POA) or homeowner's association (HOA) must maintain common areas, parking areas,  
86 and infrastructure within the community. If a POA/HOA is established, documents must  
87 be provided to the City at the time of site construction plan permitting.
- 88 11. A minimum of 46% of the development, or 127.94 +/- acres, of open space shall be  
89 provided within the PUD. At minimum of 10%, or 27.8 +/- acres of the site must be in

- 90 the form of useable open space as defined in the Land Development Code, and which  
91 may include both passive and active recreational uses.
- 92 12. A minimum of 2 parking spaces per dwelling unit must be provided on the site construction  
93 plans. This may include parking spaces in private garages and driveways for townhome  
94 dwelling types. Each amenity site must include a minimum of five (5) parking spaces.  
95 Parking for commercial uses must be in accordance with the Land Development Code.
- 96 13. Parking areas must be screened from Helms Road and any properties adjacent to this  
97 development.
- 98 14. Adequate stacking distance of 100' shall be provided at the internal access gate.
- 99 15. Adequate safety provisions shall be provided for golf cart and pedestrian crossings on the  
100 Site Construction Plans, including marked crosswalks.
- 101 16. Dumpsters, recycling facilities and service areas must be located internal to the site and  
102 screened via an opaque wall or fence. For the purposes of this condition, internal shall  
103 mean setback a minimum of 50 feet from adjacent properties and rights-of-way.
- 104 17. A 25-foot landscape buffer must be provided along all boundaries of the Property. The  
105 buffer must include a minimum of 2-foot berm, double hedgerow planted at 24 inches  
106 and maintained at 48 inches, two (2) large trees, and two (2) medium trees per 100 linear  
107 feet. Perimeter buffers must be platted in separate landscape buffer easements to be owned  
108 and maintained by the homeowners associate, property owners association or similar entity.  
109 All landscaping must be irrigated and maintained in accordance with LDC Section 4-80.8.2  
110 and 40-80.8.3.
- 111 18. Buildings along the east of the site adjacent to the Paul 50+/-acre Horticultural Recycling  
112 Facility must be setback a minimum of 30 feet from the PUD boundary and be screened  
113 via a 25-foot-wide landscape buffer with 8' tall opaque wall, installed prior to certificate  
114 of occupancy for the first dwelling unit. This condition will be deemed void if the Paul  
115 50+/-acre Horticultural Recycling Facility PUD is amended to require a 25-foot-wide  
116 landscape buffer on their property and a minimum setback of 500 feet from debris piles to  
117 the common boundary with Liberty Village.
- 118 19. All necessary easements, dedications or other instruments required to provide services to  
119 the subject property shall be granted to the City of LaBelle as necessary to insure continued  
120 operation and maintenance of all service utilities. The conveyance of all easements,  
121 dedications, or other required instruments shall be provided without charge to the City and  
122 shall be subject to review and approval by the City Attorney.
- 123 20. Prior to issuance of site construction permits for the first phase of development, the  
124 developer must coordinate the location of a minimum of 5.5 acres of civic space within the  
125 project.
- 126 21. All private roadways and common areas shall be continually maintained, at the Developer's  
127 or private entity's expense. The City of LaBelle shall have not responsibility for  
128 maintenance of privately owned facilities.
- 129 22. The golf course and driving range must be open to the public. This does not prohibit the  
130 developer from requiring memberships to utilize the golf course. Location and access to  
131 public use areas will be reviewed by the City at the time of site construction permitting to  
132 ensure appropriate access.
- 133 23. The golf course, golf course amenities, and master stormwater system must be permitted  
134 as part of the first site construction permit issued for the project.

135 24. At minimum, a certificate of occupancy/site certification must be issued for the pool,  
136 clubhouse and a minimum of nine (9) golf course holes, prior to issuance of the certificate  
137 of occupancy for the 100th dwelling unit. The certificate of occupancy/site certification for  
138 the remaining nine (9) golf course holes must be completed prior to issuance of certificate  
139 of occupancy for the 400<sup>th</sup> dwelling unit.  
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141 **Section 3. Conflict with other Ordinances.** The provisions of this article shall supersede any  
142 provisions of existing ordinances in conflict herewith to the extent of said conflict.  
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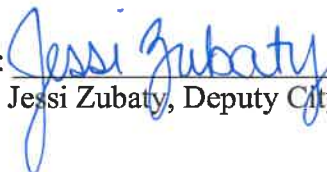
144 **Section 4. Severability.** In the event that any portion of this ordinance is for any reason held  
145 invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a  
146 separate, distinct and independent provision, and such holding shall not affect the validity of the  
147 remaining portions of this ordinance.  
148

149 **Section 5. Effective Date.** This Ordinance shall become effective immediately upon its  
150 adoption.  
151

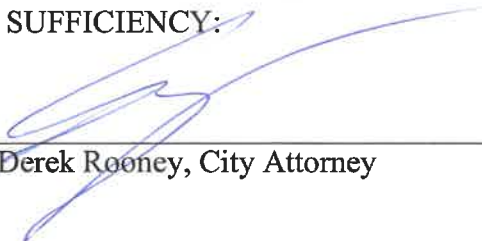
152  
153 **PASSED AND ADOPTED** in open session this 14<sup>th</sup> day July, 2022.  
154

155  
156 THE CITY OF LABELLE, FLORIDA  
157

158 By:   
159 Commissioner Daniel Akin, Vice Mayor  
160

161 Attest:   
162 Jessi Zubaty, Deputy City Clerk  
163  
164

165 APPROVED AS TO FORM AND  
166 LEGAL SUFFICIENCY:  
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168 By:   
169 Derek Rooney, City Attorney  
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172			
173	Vote:	AYE	NAY
174			
175	Mayor Wilkins	<u>      </u>	<u>      </u>
176	Commissioner Vargas	<u>✓</u>	<u>      </u>
177	Commissioner Ratica	<u>✓</u>	<u>      </u>
178	Commissioner Akin	<u>✓</u>	<u>      </u>
179	Commissioner Spratt	<u>✓</u>	<u>      </u>
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182 **EXHIBIT A**  
183 **LEGAL DESCRIPTION**  
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185 PARCELS ID:

186 2 29 43 19 A00 0001.0100 AND  
187 2 29 43 20 A00 0001.0700  
188 (O.R.B. 815, PG. 925)  
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190 BLOCK A-6

191 A PARCEL OF LAND LYING WITHIN SECTIONS 19 AND 20, TOWNSHIP 43 SOUTH,  
192 RANGE 29 EAST, HENDRY COUNTY, FLORIDA, BEING MORE PARTICULARLY  
193 DESCRIBED AS FOLLOWS:  
194

195 COMMENCING AT A NATIONAL GEODETIC SURVEY MONUMENT, PID AJ7325,  
196 DESIGNATION W 2, HAVING A COORDINATE OF NORTHING 861,586.47 AND EASTING  
197 513,357.31, STATE PLANE COORDINATE, FLORIDA EAST ZONE, NORTH AMERICAN  
198 DATUM 1983(2007) FEET, AND RUN N25°45'19"W (BASIS OF BEARING IS STATE  
199 PLANE COORDINATE, FLORIDA EAST ZONE, NORTH AMERICAN DATUM 1983(2007),  
200 AND REFERENCED WITH A BEARING OF N03°52'05"E AND A DISTANCE OF 15,746.19  
201 FEET BETWEEN NATIONAL GEODETIC SURVEY MONUMENTS PID AJ7325 AND PID  
202 AD7907), A DISTANCE OF 8,615.68 FEET TO A POINT HAVING A COORDINATE OF  
203 NORTHING 869,346.26, EASTING 509,613.57 ALSO BEING THE POINT OF BEGINNING  
204 OF THE PARCEL OF LAND HEREIN DESCRIBED;

205 THENCE S88°53'38"W A DISTANCE OF 2,801.49 FEET TO A POINT HAVING A  
206 COORDINATE OF NORTHING 869,292.17, EASTING 506,812.61; THENCE N09°38'04"W A  
207 DISTANCE OF 2,819.07 FEET TO A POINT HAVING A COORDINATE OF NORTHING  
208 872,071.48, EASTING 506,340.81; THENCE N89°16'32"E A DISTANCE OF 371.31 FEET TO  
209 A POINT HAVING A COORDINATE OF NORTHING 872,076.17, EASTING 506,712.08;  
210 THENCE N89°15'32"E A DISTANCE OF 1,319.95 FEET TO A POINT HAVING A  
211 COORDINATE OF NORTHING 872,093.25, EASTING 508,031.92; THENCE N89°39'58"E A  
212 DISTANCE OF 1,117.40 FEET TO A POINT HAVING A COORDINATE OF NORTHING  
213 872,099.76, EASTING 509,149.37; THENCE S09°34'15"E A DISTANCE OF 2,792.37 FEET  
214 TO THE POINT OF BEGINNING.  
215

216 TOGETHER WITH:

217  
218 PARCELS ID:

219 2 29 43 19 A00 0001.0200,  
220 2 29 43 20 A00 0003.0400 AND  
221 2 29 43 29 A00 0006.0000  
222 (O.R.B. 945, PG. 656)  
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224 A PART OF THAT CERTAIN PROPERTY COMMONLY KNOWN AS BLOCK A-7  
225 DESCRIBED IN OFFICIAL RECORDS BOOK 907, AT PAGE 157 (PAGE 3 OF 11 AT PAGE

226 159) PUBLIC RECORDS OF HENDRY COUNTY AND LYING IN SECTIONS 19, 20 AND  
227 29, TOWNSHIP 43 SOUTH, RANGE 29 EAST, HENDRY COUNTY, FLORIDA, BEING  
228 MORE PARTICULARLY DESCRIBED AS FOLLOWS:  
229

230 COMMENCE AT THE POINT OF BEGINNING OF SAID BLOCK A-7 AND RUN  
231 N89°05'00"W, ALONG THE SOUTH LINE OF BLOCK A-7 A DISTANCE OF 1,811.31 FEET  
232 TO THE SOUTHWESTERLY CORNER OF BLOCK A-7; THENCE N09°34'01"W, ALONG  
233 THE WESTERLY LINE OF BLOCK A-7, A DISTANCE OF 40.67 FEET TO THE POINT OF  
234 BEGINNING OF THE HEREIN DESCRIBED PARCEL OF LAND; THENCE CONTINUE  
235 N09°34'01"W, ALONG SAID WESTERLY LINE, DISTANCE OF 2,633.01 FEET TO THE  
236 NORTHWEST CORNER OF BLOCK A-7; THENCE N88°53'37"E, ALONG THE  
237 NORTHERLY LINE OF BLOCK A-7, A DISTANCE OF 1,068.03 FEET; THENCE  
238 S10°01'22"E, LEAVING SAID NORTHERLY LINE, A DISTANCE OF 181.96 FEET; THENCE  
239 S80°46'21"W, A DISTANCE OF 107.51 FEET; THENCE S10°01'22"E, A DISTANCE OF  
240 2,474.72 FEET; THENCE N89°05'00"W, A DISTANCE OF 986.49 FEET TO THE POINT OF  
241 BEGINNING.  
242

243 TOGETHER WITH:

244 PARCELS ID:

245 2 29 43 19 A00 0002.0000,  
246 2 29 43 29 A00 0005.0000, 2 29 43 30 A00 0005.0000 AND  
247 2 29 43 20 A00 0004.0000  
248 (O.R.B. 498, PG. 229)  
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251 BEGIN AT THE NORTHEAST CORNER OF SECTION 20, TOWNSHIP 43 SOUTH, RANGE  
252 29 EAST, THENCE RUN SOUTH 88°46' WEST ALONG THE NORTH LINE OF SAID  
253 SECTION 20, 2,853.63 FEET, THENCE RUN SOUTH 02°08' EAST 2,735.25 FEET TO THE  
254 CENTER LINE OF CANAL; THENCE RUN SOUTH 87°49' WEST ALONG SAID CENTER  
255 LINE, 2,696.50 FEET TO THE CENTER LINE OF CANAL SOUTHERLY AND POINT OF  
256 BEGINNING; THENCE RUN SOUTH 10°21' EAST ALONG SAID CENTER LINE 2,689.69  
257 FEET TO THE CENTER LINE OF CANAL WEST; THENCE RUN WEST ALONG SAID  
258 CENTER LINE 1,019.26 FEET TO CENTER LINE OF CANAL NORTHERLY; THENCE RUN  
259 NORTH 10°30' WEST ALONG SAID CENTER LINE, 2,651.46 FEET TO THE CENTER LINE  
260 OF CANAL EASTERLY; THENCE RUN NORTH 87°49' EAST ALONG SAID CENTER  
261 LINE, 1020.00 FEET TO THE POINT OF BEGINNING, CONTAINING 61.67 ACRES IN  
262 SECTIONS 19 AND 20, TOWNSHIP 43 SOUTH, RANGE 29 EAST.  
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264  
265 LESS AND EXCEPT:

266 DONATION PARCEL #2

267 PARCELS ID:

268 2 29 43 19 A00 0001.0500 AND  
269 2 29 43 20 A00 0001.1100  
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271 (O.R.B. 894, PG. 496)

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273 A TRACT OF LAND LYING WITHIN SECTIONS 19 AND 20, TOWNSHIP 43 SOUTH,  
274 RANGE 29 EAST, HENDRY COUNTY, FLORIDA, BEING MORE PARTICULARLY  
275 DESCRIBED AS FOLLOWS:

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277 COMMENCE AT THE NORTH 1/4 CORNER OF SECTION 20 (HAVING A COORDINATE  
278 OF NORTHING 872,108.62 AND EASTING 510,670.68, STATE PLANE COORDINATE,  
279 FLORIDA EAST ZONE, NAD 83(2007) FEET) AND RUN S89°39'15"W, ALONG THE  
280 NORTH LINE OF THE NORTHWEST 1/4 OF SAID SECTION 20, A DISTANCE OF 1521.41  
281 FEET TO THE POINT OF BEGINNING OF THE PARCEL OF LAND HEREIN DESCRIBED  
282 (HAVING A COORDINATE OF NORTHING 872,099.76 AND EASTING 509,149.30, STATE  
283 PLANE COORDINATE, FLORIDA EAST ZONE, NAD 83(2007)FEET) ALSO BEING A  
284 POINT ON THE EAST LINE OF A PARCEL OF LAND DESCRIBED IN OFFICIAL RECORD  
285 BOOK 815, PAGE 928, OF THE PUBLIC RECORDS OF HENDRY COUNTY, FLORIDA;  
286 THENCE S09°34'15"E, ALONG THE EAST LINE OF SAID OFFICIAL RECORDS BOOK 815,  
287 PAGE 928, A DISTANCE OF 151.97 FEET TO THE NORTHERLY RIGHT-OF-WAY LINE  
288 OF THE PROPOSED HELMS ROAD EXTENSION (150.00 FEET WIDE); THENCE ALONG  
289 SAID NORTHERLY RIGHT-OF-WAY THE FOLLOWING COURSES AND DISTANCES:  
290 S89°39'58"W A DISTANCE OF 1141.25 FEET, S89°15'32"W A DISTANCE OF 1319.44 FEET  
291 AND S89°16'32"W A DISTANCE OF 347.81 FEET TO THE WEST LINE OF SAID OFFICIAL  
292 RECORDS BOOK 815, PAGE 928; THENCE N09°38'04"W, LEAVING SAID RIGHT-OF-  
293 WAY AND ALONG THE WEST LINE OF SAID OFFICIAL RECORDS BOOK 815, PAGE  
294 928, A DISTANCE OF 151.83 FEET TO THE NORTH LINE OF THE NORTHWEST 1/4 OF  
295 THE NORTHEAST 1/4 OF SECTION 19; THENCE N89°16'32"E, ALONG THE NORTH LINE  
296 OF THE NORTHWEST 1/4 OF THE NORTHEAST 1/4 OF SAID SECTION 19, A DISTANCE  
297 OF 371.31 FEET TO THE NORTHWEST CORNER OF THE NORTHEAST 1/4 OF THE  
298 NORTHEAST 1/4 OF SAID SECTION 19; THENCE N89°15'32"E, ALONG THE NORTH  
299 LINE OF THE NORTHEAST 1/4 OF THE NORTHEAST 1/4 OF SAID SECTION 19, A  
300 DISTANCE OF 1319.95 FEET TO THE NORTHWEST CORNER OF SAID SECTION 20;  
301 THENCE N89°38'58"E, ALONG THE NORTH LINE OF THE NORTHWEST 1/4 OF SAID  
302 SECTION 20, A DISTANCE OF 1117.40 FEET TO THE POINT OF BEGINNING.

303

304 LESS AND EXCEPT

305

306 PARCELS ID:

307 2 29 43 19 A00 A001.0100 AND

308 2 29 43 20 A00 A001.0700

309 (O.R.B. 895, PG. 1653)

310

311 THE PART OF THE RIGHT-OF-WAY OF HELMS ROAD AS DESCRIBED IN OFFICIAL  
312 RECORDS BOOK 895, PAGE 1653, OF PUBLIC RECORDS OF HENDRY COUNTY,  
313 FLORIDA.

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316 SAID LANDS SITUATE, LYING AND BEING IN HENDRY COUNTY, FLORIDA.  
317 CONTAINING 12,172,404 SQUARE FEET (279.4399 ACRES) MORE OR LESS.  
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**EXHIBIT B  
SCHEDULE OF USES**

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**Residential Tracts:**

- Accessory residential uses
- Permitted accessory and storage buildings:
  - Children's playhouses
  - Patios
  - Gazebos
  - Private barbeque pits or pavilions
  - Noncommercial greenhouses and plant nurseries
  - Swimming pool
- Essential services, such as but not limited to cable, fiber optic, public utilities
- Fences and walls in accordance with LDC Chapter 4
- Gates and gatehouses
- Model Home/Unit
- Recreational amenities, private, on-site
- Residential dwellings (limited to a maximum of 971 dwelling units)
  - Single-family dwelling units
- Signs in accordance with LDC Chapter 4
- Golf Course (18-holes) and golf driving range

**Commercial Tracts:**

- Accessory uses and structure
- Clubs, Lodges
- Cultural Institutions
- Health care, limited to walk in clinics and similar uses only
- Parks and Recreational Facilities
- Private/Quasi-Public Facilities
- Religious Assemblies/Church
- Schools, public or private
- City of LaBelle utilities
- Animal sales and services, indoor boarding, grooming, and retail sales only
- Convenience Stores
- Day Care
- Financial Institutions
- Food and beverage sales/establishments, including accessory alcoholic beverage sales, on- and off-premises
- Laboratories
- Offices
- Personal services, general and dry cleaning establishments
- Mini-warehouse
- Live-work and multi-family residential dwellings (subject to limitations in Condition 2)

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**EXHIBIT C  
SITE DEVELOPMENT REGULATIONS**

	<b>Residential</b>	<b>Non-Residential</b>
<b>General Regulations (Applicable to Principal &amp; Accessory Structures)</b>		
Min. Setback from Perimeter Boundaries	20'	20'
Min. Separation Between Buildings	10'	20'
Max. Building Height	35'	45'
Waterbody Setback (1)	25'	25'
Maximum FAR (2)	0.25	0.5
<b>Principal Structure Setbacks</b>		
Right of Way Setback	15' (3)	20'
Floor Area Ratio (F.A.R)	N/A	0.5
Side Yard Setback	5'	20'
Rear Yard Setback	10'	20'
<b>Accessory Structure Setbacks</b>		
Right-of-Way Setback	SPS (4)	SPS
Side Yard	SPS	SPS
Rear Yard Setback	5'	N/A
<b>Lot Area and Dimensions</b>		
Minimum Lot Area	4,500 SF	10,000 SF
Minimum Lot Width	50'	100'
Minimum Lot Depth	90'	100'
Maximum Lot Coverage	65%	65%
Minimum habitable area per dwelling unit (5)	1,200 SF	750 SF
Maximum square footage per accessory structure (6)	Up to 50% of habitable area of principal dwelling for all accessory structures	N/A

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1. Waterbody setback measured from the lake maintenance easement (LME).
2. FAR applies to non-residential structures (commercial, recreational, and civic), and does not apply to residential structures.
3. Front facing garage doors must be setback a minimum of 23' from the back of sidewalk.
4. SPS = Same as Principal Structure
5. Minimum habitable area means the area of the unit enclosed, heated or air-conditioned, and protected from the elements. Living area does not include unheated or un-air-conditioned garages, carports, or utility or storage areas contained therein, screened porches, unenclosed areas, and attics. Living area is determined by exterior dimensions.
6. Applies to the cumulative total square footage of all accessory structures on the lot.

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### EXHIBIT D - MASTER CONCEPT PLAN

