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**CITY OF LABELLE  
ORDINANCE 2022-03  
OLD GROVES PLANNED UNIT DEVELOPMENT**

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**AN ORDINANCE OF THE CITY OF LABELLE, FLORIDA, AMENDING ORDINANCE 2007-18 FOR THE OLD GROVES (AKA OAKBROOKE LAKES) PLANNED UNIT DEVELOPMENT LOCATED NORTH OF HELMS ROAD, SOUTH OF COWBOY WAY, AND ¼ MILES WEST OF STATE ROAD 29, CITY OF LABELLE, HENDRY COUNTY, FLORIDA; AMENDING THE CONDITIONS AND SCHEDULE OF USES; PROVIDING FOR INTENT; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.**

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**WHEREAS**, Deanna Hansen is the “Owner” of real property, located at 1185 W. Cowboy Way, generally to the north of Helms Road, south of Cowboy Way 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 Employment Village Old Groves Mixed Use Subdistrict future land use category to allow for development of master-planned communities providing a range of housing types and ; and

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

**WHEREAS**, after duly advertised public hearings held on February 10, before the LaBelle Local Planning Agency “LPA”, and on March 10, 2021 and May 12, 2022 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 “Old Groves Mixed Use Subdistrict” 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 **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 1,249 dwelling units and 80,000 SF of commercial  
54 uses.
- 55 3. A minimum of 10% of the land area shall be used for multi-family residential development.
- 56 4. Commercial development shall not exceed 10 acres with a maximum of 8,000 square feet  
57 per acre up to a maximum of 80,000 gross square feet of commercial uses. A maximum  
58 FAR of 0.35 is allowed for commercial development. No single commercial use shall  
59 exceed 10,000 square feet of gross floor area, except that a grocery store or supermarket  
60 may not exceed 45,000 gross square feet.
- 61 5. Residential density within the commercial component of the project is limited to multi-  
62 family and will not exceed 6 dwelling units per acre.
- 63 6. Allowable uses shall be limited to those listed in the Schedule of Uses, attached as Exhibit  
64 'B'.
- 65 7. Development Standards will conform to the Development Standards Table, attached as  
66 Exhibit 'C'.
- 67 8. All development must conform to the general design of the Master Concept Plan contained  
68 in Exhibit 'D' and the requirements of the Land Development Code.
- 69 9. Design elements of the PUD will be based on a common architectural theme with emphasis  
70 on a pedestrian friendly development. The unified theme shall be reflected through colors,  
71 materials, details, signage, lighting and any other elements or materials that visibly impact  
72 the unity of the development. The project development will include sidewalks, bicycles  
73 lanes, and other types of pedestrian connectivity between the commercial and residential  
74 components of the project and where possible, will connect or provide for future  
75 connection to pedestrian linkages off-site. All common areas and structures shall be  
76 complimentary to the architectural theme of the overall development. Site construction  
77 plans must demonstrate an internal sidewalk system to connect the residential buildings to  
78 on-site amenities and recreational areas, parking, and to the external sidewalk network.
- 79 10. Development must connect to the City's potable water and sanitary sewer system. A  
80 demonstration of capacity will be required at the time of development, in addition to  
81 sufficient water pressure for a hydrant system and sprinklers within the building, if required  
82 by the Florida Building Code and NFPA Fire Prevention Code.
- 83 11. The developer/owner or their designee, which may include a property owners association  
84 (POA) or homeowner's association (HOA) must maintain common areas, parking areas,  
85 and infrastructure within the community. If a POA/HOA is established, documents must  
86 be provided to the City at the time of site construction plan permitting.
- 87 12. A minimum of 35% of the development of open space shall be provided within the PUD.  
88 At minimum of 10% of the site must be in the form of useable open space as defined in the  
89 Land Development Code, and which may include both passive and active recreational uses.
- 90 13. Residential front yards shall maintain an average five-foot wide landscape area.

- 91 14. The Developer may construct a minimum 5-foot wide concrete sidewalk within the rights-  
92 of-way or, at the Developer's discretion, the sidewalk may meander onto the Developer's  
93 property. The Developer shall provide the City with an easement for placement of any  
94 portion of the sidewalk placed on private property. The easement shall be recorded prior to  
95 issuance of Certificate of Completion.
- 96 15. Lake maintenance easements with a minimum width of 20 feet shall be provided.
- 97 16. The developer shall make every attempt to preserve the existing native trees on site.  
98 Construction plans shall include a tree preservation plan and a tree protection detail  
99 indicating how trees will be preserved during construction. This approval does not  
100 authorize the removal of any significant oak trees.
- 101 17. A minimum of 5.47 acres of preserve area shall be provided on site.
- 102 18. Minimum width of preserve areas shall be an average of 25 feet.
- 103 19. Landscaping and buffering shall be in compliance with LDC Section 4-80 and 4-85, except  
104 that streetscape buffers must be provided along Cowboy Way and Helms Road, consisting  
105 of a 15-foot-wide buffer with a double hedgerow planted at 24 inches and maintained at 48  
106 inches, two (2) large trees, and two (2) medium trees per 100 linear feet.
- 107 20. Primary entrances to all retail and commercial uses shall be designed for access from the  
108 interior of the site. Pedestrian and bicycle access shall be provided to Cowboy Way and  
109 the proposed Helms Road.
- 110 21. All buildings shall be interconnected with ground level pedestrian walkways.
- 111 22. Parking areas shall be screened from Cowboy Way and proposed Helms Road and from  
112 any properties adjacent to this development.
- 113 23. All necessary easements, dedications or other instruments shall be granted to the City of  
114 LaBelle as necessary to insure continued operation and maintenance of all service  
115 utilities.
- 116 24. All private roadways and common areas shall be continually maintained, at the Developer's  
117 or private entity's expense. The City of LaBelle shall have not responsibility for  
118 maintenance of privately owned facilities.
- 119 25. The horticultural waste recycling facility is permitted as an interim use until such time as  
120 the first certificate of occupancy is issued for the first phase of development, at which time  
121 the operation must cease, or upon approval of a PUD amendment to allow the use on  
122 permanent basis.
- 123 26. Hours of operation for the horticultural waste recycling facility are limited to 7 a.m. to 5  
124 p.m. Monday through Friday, and 8 a.m. to 2 p.m. on Saturdays.
- 125 27. The operations will consist of horticultural debris piles no greater than 25 feet in height  
126 and approximately 200' x 100' in size. Piles must be separated by a minimum of 30 feet.
- 127 28. Debris will be processed by an on-site emission free incinerator to be operated a minimum  
128 of 700 feet from the PUD boundaries. The burning of debris with emissions or grinding of  
129 materials on site is prohibited.
- 130 29. On-site retail sales of horticultural materials is prohibited. A maximum of 40 truck trips  
131 per day are allowed and must be documented by the Applicant and/or operator via a daily  
132 log.
- 133 30. The Applicant must provide the City with copies of all required state and federal agency  
134 permits, including a Florida Department of Environmental Protection permit prior to  
135 commencement of any interim horticultural waste recycling facility activities.

- 136 31. Approval of this PUD does not in any way create any rights on the part of the applicant to  
137 obtain a permit from a state or federal agency and does not create any liability on the part  
138 of the City for issuance of the permit if the Applicant fails to obtain the requisite approvals  
139 or fulfill obligations imposed by a state or federal agency or undertakes actions that result  
140 in a violation of state or federal law. All other applicable state or federal permits must be  
141 obtained before commencement of the development.
- 142 32. All development and activities within the PUD must comply with all applicable NFPA  
143 standards, including but not limited to NFPA 1, Chapter 31, as may be amended, and the  
144 Operating Plan and Fire Protection, Control & Mitigation Plan.
- 145 33. Internal roadways and all access roads to the site from Cowboy Way and Helms Road to  
146 serve the interim horticultural waste recycling facility must be stabilized to accommodate  
147 emergency vehicles and be a minimum of 20 feet in width. No staging of trucks outside  
148 the PUD boundaries is permitted at any time.
- 149 34. Prior to issuance of a site construction permit for residential or commercial uses, a detailed  
150 site plan demonstrating the proposed residential and commercial development areas,  
151 including building footprints, must be scheduled for one (1) public meeting before the City  
152 Commission.
- 153 35. The PUD Master Concept Plan will remain valid for not more than five (5) years from the  
154 date of City Commission approval. Horizontal construction must commence within five  
155 (5) years or the MCP will be deemed vacated. Upon such time a new PUD zoning approval  
156 must be filed and approved by the City Commission.

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158 **Section 3. Conflict with other Ordinances.** The provisions of this article shall supersede any  
159 provisions of existing ordinances in conflict herewith to the extent of said conflict.

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161 **Section 4. Severability.** In the event that any portion of this ordinance is for any reason held  
162 invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a  
163 separate, distinct and independent provision, and such holding shall not affect the validity of the  
164 remaining portions of this ordinance.

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166 **Section 5. Effective Date.** This Ordinance shall become effective immediately upon its  
167 adoption.

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170 **PASSED AND ADOPTED** in open session this 13 day April, 2023

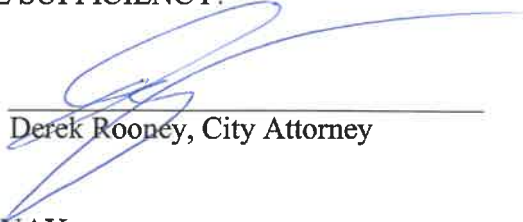
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173 THE CITY OF LABELLE, FLORIDA

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176 By: Julie C. Wilkins  
177 Julie C. Wilkins, Mayor

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179 Attest: Jessi Zubaty  
180 Jessi Zubaty Deputy City Clerk

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APPROVED AS TO FORM AND  
LEGAL SUFFICIENCY:

By:   
Derek Rooney, City Attorney

Vote:	AYE	NAY
Mayor Wilkins	_____	<input checked="" type="checkbox"/>
Commissioner Vargas	_____	<input checked="" type="checkbox"/>
Commissioner Ratica	<input checked="" type="checkbox"/>	_____
Commissioner Akin	<input checked="" type="checkbox"/>	_____
Commissioner Spratt	<input checked="" type="checkbox"/>	_____

**EXHIBIT A  
LEGAL DESCRIPTION**

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PARCEL 1

THE NORTHEAST 1/4 OF THE NORTHWEST 1/4 OF THE SOUTHWEST 1/4 OF SECTION 17, TOWNSHIP 42 SOUTH, RANGE 29 EAST, HENDRY COUNTY, FLORIDA.

PARCEL 2

THE NORTHWEST 1/4 OF THE NORTHWEST 1/4 OF THE SOUTHWEST 1/4 AND THE NORTH 1/2 OF THE SOUTHWEST 1/4 OF THE NORTHWEST 1/4 OF THE SOUTHWEST 1/4 OF SECTION 17, TOWNSHIP 43 SOUTH, RANGE 29 EAST, HENDRY COUNTY, FLORIDA.

PARCEL 3

THE SOUTH 1/2 OF THE SOUTH 1/2 OF THE SOUTHWEST 1/4 OF THE NORTHWEST 1/4 OF SECTION 17, TOWNSHIP 43 SOUTH, RANGE 29 EAST, HENDRY COUNTY, FLORIDA. A/K/A/ LOT 16, W.T. WILLIAMS UNRECORDED SUBDIVISION.

PARCEL 4

THE EAST 1/2 OF THE NORTHEAST 1/4; EXCEPT THE NORTHEAST 1/4 OF THE NORTHEAST 1/4 OF THE NORTHEAST 1/4; EXCEPT ROAD RIGHT OF WAY, AS DESCRIBED IN OFFICIAL RECORDS BOOK 513, PAGE 313; EXCEPT THE NORTH 7.00 FEET THEREOF AND THE SOUTHEAST 1/4 OF THE SOUTHEAST 1/4 AND THE NORTHEAST 1/4 OF THE SOUTHEAST 1/4; EXCEPT LOTS 1 AND 2, BLOCK 1, BELLE LA CASA SUBDIVISION; EXCEPT LOT 1, BLOCK B, BELLE LA CASA SUBDIVISION, ACCORDING TO THE PLAT THEREOF RECORDED IN PLAT BOOK 2, PAGE 26, ALL LYING IN SECTION 18, TOWNSHIP 43 SOUTH, RANGE 29 EAST, HENDRY COUNTY, FLORIDA.

PARCEL 5

THE SOUTHWEST 1/4 OF THE NORTHWEST 1/4 OF THE NORTHWEST 1/4 AND THE NORTH 3/4 OF THE SOUTHWEST 1/4 OF THE NORTHWEST 1/4 ; EXCEPT THE NORTH 60 FEET OF THE EAST 30 FEET THEREOF; AND THE SOUTH 1/2 OF THE SOUTH 1/2 OF THE SOUTHEAST 1/4 OF THE NORTHWEST 1/4; AND THE SOUTH 1/2 OF THE SOUTHWEST 1/4 OF THE NORTHWEST 1/4 OF THE SOUTHWEST 1/4; AND THE SOUTHWEST 1/4 OF THE SOUTHWEST 1/4; AND THE SOUTHEAST 1/4 OF THE NORTHWEST 1/4 OF THE SOUTHWEST 1/4; AND THE NORTHEAST 1/4 OF THE SOUTHWEST 1/4, ALL LYING IN SECTION 17, TOWNSHIP 43 SOUTH, RANGE 29 EAST, HENDRY COUNTY, FLORIDA.

PARCEL 6

LOTS 1 AND 2, BLOCK 1, BELLE LA CASA SUBDIVISION. ACCORDING TO THE PLAT THEREOF RECORDED IN PLAT BOOK 2, PAGE 26, PUBLIC RECORDS OF HENDRY COUNTY, FLORIDA.

**EXHIBIT B  
SCHEDULE OF USES**

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*General:*

Essential Services  
Water management facilities and features, such as lakes or fountains  
Temporary construction, sales and administrative offices  
Model homes (limited to 8)  
Kiosks  
Ornamental towers such as clock towers, flagpoles, etc., limited to a  
height of 30 feet  
Temporary uses as defined in LDC Section 4-70

*Residential:*

Single –family dwellings  
Two-family dwellings  
Multi-family dwellings, including condominiums, lofts, apartments  
Townhouses  
Community and recreational facilities  
Accessory uses  
Manager’s office (limit 1)  
Gatehouse  
Signs per LDC Chapter 4-81

*Recreational:*

Food and confectionary kiosks  
Band shell/stage, gazebo and other similar structures  
Recreational facilities such as bocce ball, shuffleboard, lawn bowling  
courts, swimming pools  
Parking lots and parking structures that service the recreational amenities  
Community buildings  
Pumping stations, emergency generators – must be screened from public view  
Outdoor dining areas  
Sidewalk sales areas – require Special Exception approval  
Parks, passive areas, trails, etc.  
Accessory uses

*Commercial:*

Multi-family dwellings, above commercial uses or as stand-alone buildings, not to  
exceed 6 du/acre  
Uses allowed in the B-1 zoning district, with or without Special Exception as  
described in the Use Table, LDC Section 4-70.9[5]  
Restaurants– no drive-throughs  
Personal services  
Museums, art galleries  
Photographic studios

288	Gyms
289	Supermarkets and pharmacies
290	Communication facilities – require Special Exception approval
291	Clubs, lodges
292	Congregate living facilities
293	Animal sales and services
294	Convenience stores with gas pumps – limited to 8 two-sided pumps
295	Day Care
296	Drinking establishments as per LDC Chapter 3
297	Alcoholic beverage establishments, bars (neighborhood only, limited to max.
298	5,000 gross square feet)
299	Outdoor sales, service or storage areas – only as accessory uses, must be screened
300	from public areas
301	Temporary Uses, as per LDC Section 4-70.9[5]
302	Accessory Uses
303	Outdoor restaurant seating
304	Signs per LDC Chapter 4-81
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306	<i>Interim Agricultural:</i>
307	Agricultural uses
308	Horticultural Waste Recycling, limited to fully enclosed incinerator and to be
309	sited on the location shown on Exhibit E
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**EXHIBIT C  
SITE DEVELOPMENT REGULATIONS**

*Commercial:*

Site development regulations must comply with the B-2 zoning district standards set forth in the LDC

*Residential:*

<b>Residential Development Standards</b>							
Allowable Use	Max. Bldg. Lot Coverage	Min. Living Area (sq. ft. per unit)	Min. Lot Width (feet)	Minimum Setbacks (feet)			Max. Height
				Front	Side	Rear	
Single Family up to 2 Bedrooms	45%	700	60	15	7.5	20	35
Single Family, 3 bedrooms	45%	900	60	15	7.5	20	35
Two-Family, up to 2 Bedrooms	45%	900	70	15	7.5	20	35
Two-Family, max. 3 Bedrooms	45%	1,020	70	15	7.5	20	35
Multi-family Studio*	70%	500	N/A	20	25	20	35
Multi-family, One Bedroom	70%	750	N/A	20	25	20	35
Multi-family, Two Bedroom	70%	900	N/A	20	25	20	35
Multi-Family, Three Bedroom	70%	1,100	N/A	20	25	20	35
Townhouse, Two Bedroom	70%	900	15	20	0/25**	20	35
Accessory Structures				Same as above	Same as above	5	35

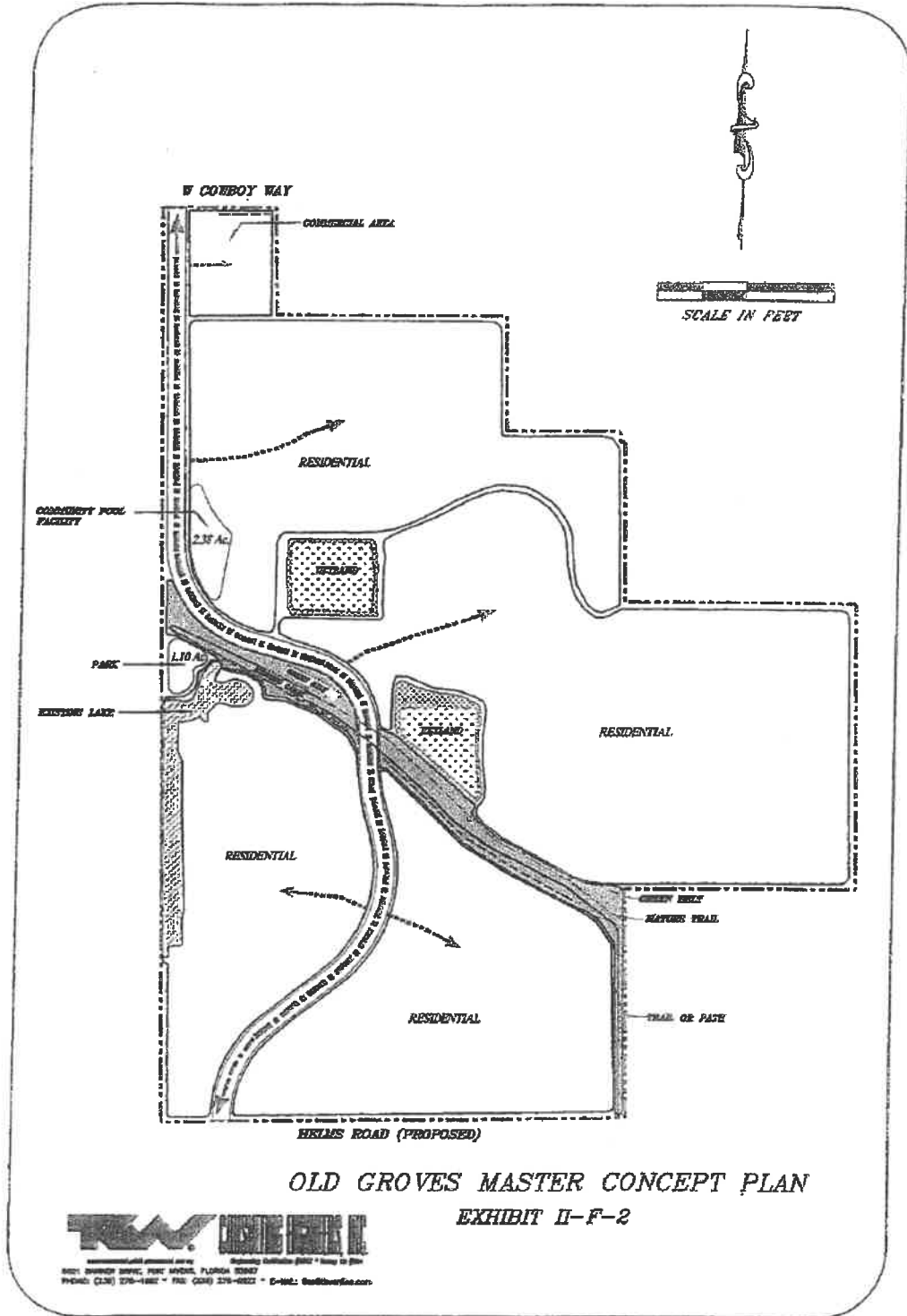
\*Living area with kitchenette, minimum of stove and refrigerator, sink in kitchen area, separate full bath, no separate bedroom.

\*\*Requires a minimum 25-foot setback between structures, 0 feet between attached units.

*Interim Agricultural:*

Minimum 100 foot setback from all property lines for structures and material piles. The fully-enclosed incinerator must be a minimum of 250 feet from all property lines.

EXHIBIT D - MASTER CONCEPT PLAN



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**EXHIBIT E – INTERIM HORTICULTURAL RECYCLING SITE PLAN**