1 **CITY OF LABELLE** 2 **ORDINANCE 2023-12** 3 BIRKLAND PLANNED UNIT DEVELOPMENT 4 5 AN ORDINANCE OF THE CITY OF LABELLE, FLORIDA, AMENDING THE CITY OF 6 LABELLE ZONING MAP FOR A 15.95+/-ACRE PROPERTY 7 IMMEDIATELY NORTH OF STATE ROAD 80, WEST OF E. FORT THOMPSON AVE; 8 AMENDING THE ZONING DISTRICT SINGLE-FAMILY-LOW DENSITY (R1-A) TO 9 THE PLANNED UNIT DEVELOPMENT (PUD) ZONING DISTRICT; PROVIDING FOR 10 IDENTIFICATION OF THE SUBJECT PROPERTY; PROVIDING FOR INTENT; 11 PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE. 12 13 WHEREAS, Birkland, LLC is the "Owner" of the real property located north of State Road 14 80 and west of E. Fort Thompson Ave, City of LaBelle, Florida, further described in Exhibit "A", 15 attached hereto; 16 17 WHEREAS, the Owner, filed an application to rezone the subject property to Planned Unit 18 Development to allow for the development options of a mixed-use development consistent with 19 the City's intent for the Outlying Mixed Use and Residential future land use categories; and 20 21 WHEREAS, after duly advertised public hearings held on June 8, 2023 before the LaBelle 22 Local Planning Agency, and on March 14, 2024 and December 12, 2024 before the City 23 Commission; and, 24 25 WHEREAS, the City Commission for the City of LaBelle has determined that the requested PUD rezoning is in compliance with the future land use designations of "Outlying Mixed Use" 26 27 and "Residential" and approval of the PUD rezoning application will further the goals and 28 objectives of the City of LaBelle Comprehensive Plan; and, 29 30 WHEREAS, the subject application and plans have been reviewed by City of LaBelle 31 Planning Department in accordance with applicable regulations for compliance with all terms of 32 the administrative approval procedures; and 33 34 NOW, THEREFORE, BE IT ORDAINED by the City Commission of the City of LaBelle, 35 Florida: 36 37 **Section 1.** The forgoing recitals are true and correct and are incorporated herein by this 38 reference. 39 40 **Section 2.** The above-mentioned Planned Unit Development (PUD) is hereby adopted, 41 upon a finding that this is the most appropriate use of the property and this use will promote, 42 protect and improve the health, safety, comfort, good order, appearance, convenience and general 43 welfare of the public subject to the following conditions:

BE IT ENACTED BY THE CITY COMMISSION OF THE CITY OF LABELLE, FLORIDA, that:

- 1. The PUD Amendment request applied to the property is described in Exhibit 'A'.
- 2. Allowable uses shall be limited to those listed in the Schedule of Uses, attached as Exhibit 'B'.
 - 3. On-site consumption on premises or alcohol sales for off-site consumption (as a principal or accessory use) requires a PUD amendment requiring public hearings.
- 4. Development Standards will conform to the Development Standards Table, attached as Exhibit 'C'.
- 5. All development must conform to the general design of the Master Concept Plan contained in Exhibit 'D' and the requirements of the Land Development Code.
- 6. The maximum allowable unit count is 120 dwelling units.
- 7. The maximum allowable commercial square footage 20,000 square feet.
- 8. The maximum building height is 35 feet/2 stories.

- 9. Residential structures, including accessory and amenity structures, must be setback a minimum of 205 feet from the northern property line and 224 feet from the Fort Thompson Avenue right-of-way.
- 10. Commercial structures must be setback a minimum of 50 feet from the Fort Thompson Avenue right-of-way.
- 11. A decorative, opaque wall or fence not less than 6 feet in height must be installed along the Fort Thompson Avenue frontage, with all required plantings on the exterior of the wall.
- 12. Development must connect to the City's potable water and sanitary sewer system. A demonstration of capacity will be required at the time of site construction permitting, including demonstration of a hydrant system to provide adequate and continuous water flow for firefighting purposes.
- 13. Site construction plans must demonstrate an internal sidewalk system to connect the proposed buildings to on-site green space areas, parking, and to the external sidewalk network.
- 14. The project will provide parking spaces in accordance with the Land Development Code for both residential and non-residential uses, with the exception that the required off-street parking for multiple-family dwellings shall be 1.5 spaces per unit per the LDC in effect prior to May 4, 2023.
- 15. Access to SR 80 will require a permit from the Florida Department of Transportation and this approval does not guarantee or grant access as shown on the MCP.
- 16. One (1) additional point of emergency-only unpaved, stabilized ingress/egress will be required on either Ft. Thompson Avenue OR N. Cypress Street. Ingress will be permitted for emergency service providers only.
- 17. A Master Signage Plan shall be provided in accordance with the Land Development Code at the time of site construction permitting to ensure cohesive and consistent signage design for both residential and non-residential components.
- 18. A consistent Old Florida architectural vernacular must be applied to all residential and non-residential buildings. All commercial buildings shall adhere to the following design standards:

- 90 a. Old Florida vernacular to be displayed through inclusion of elements including but not limited to: front porches, covered corridors, walkways, pitched and/ or metal roofs, shutters, and paneled siding.
 - b. Roof overhangs are required on all commercial buildings.

- c. If flat roofs are used, they are to be enclosed from State Road 80 view by parapets, mansards or a combination of the two.
- d. Facade treatments are to be provided in accordance with LDC 4-91(b)(2).
- e. Exterior building colors to be derived from earth tones with subtle hues of primary building color.
- f. Structures shall reflect similar architectural features such as style, materials, details, and color.
- 19. All residential buildings shall adhere to the Old Florida vernacular architectural style compatible with design standards identified for commercial buildings through inclusion of a minimum of three (3) of the following elements: front porches, pitched and/ or metal roofs, shutters, gabled rooflines, and paneled siding.
- 20. The developer/owner or their designee, which may include a property owners association (POA) must maintain common areas, parking areas, and infrastructure within the project. If a POA is established, documents must be provided to the City at the time of site construction plan permitting.
- 21. 8 acres of open space must be provided within the project. A minimum of 1 acre of useable open space must be provided for dedicated passive and active recreational space for residents. These useable open space areas must be exclusive of perimeter buffers, stormwater lakes/ponds, detentions areas.
- 22. Dumpsters, recycling facilities and service areas must be setback a minimum of 50 feet from the PUD boundaries and screened via an opaque wall or fence.
- 23. A 25-foot-wide streetscape buffer must be provided along Fort Thompson Avenue and SR 80 and must comply with the State Road 80 Overlay including a minimum of six (6) trees per one hundred (100) linear feet and shrubs to form a hedge row installed at 36" and maintained at 60".
- 24. Where native vegetation is proposed for preservation along perimeters of the project, and plant materials meet or exceed a minimum of 10 trees per 100 linear feet and a minimum of 20 feet in width, no perimeter buffer is required.
- 25. Internal to the site, vehicle use areas and commercial area abutting residential uses or internal rights-of-way must provide a minimum buffer of 10 feet with 5 trees per 100 linear feet and a double hedgerow installed at 24" and maintained at 48".
- 26. This approval authorizes the removal of 1,978 inches of significant oak trees and the preservation of 2,650 total inches of significant oak trees on-site. At the time of site construction plan application, the developer must provide landscape plans demonstrating the mitigation in accordance with the LDC for replacement of 1 inch of live oak tree for each inch removed. All replacement trees must be replanted on-site.
- 27. The PUD Master Concept Plan will remain valid for not more than five (5) years from the date of City Commission approval. Horizontal construction must commence within five (5) years or the MCP will be deemed vacated. Upon such time a new PUD zoning approval must be filed and approved by the City Commission. A one (1) time extension of two (2) years may be submitted to the City prior to vacation of the MCP and approved

135	administratively. All other extensions require City Commission approval, except for any		
136	tolling or extensions in accordance with State law.		
137	28. The City is conducting a risk assessment and capital planning for adequate fire protection.		
138	The project may be subject in the future to impact fees or capital assessments to address		
139	the project impact.		
140	29. In addition to applicable school impact fee payments required at the time of building		
141	permit issuance, the developer must obtain a letter of school concurrency prior to issuance		
142	of a site construction permit or enter into a proportionate fair share payment agreement		
143	with the Hendry County School District to mitigate the project's impacts.		
144			
145	Section 3. Conflict with other Ordinances. The provisions of this article shall supersede any		
146	provisions of existing ordinances in conflict herewith to the extent of said conflict.		
147			
148	Section 4. Severability. In the event that any portion of this ordinance is for any reason held		
149			
150			
151	remaining portions of this ordinance.		
152			
153	Section 5. Effective Date. This Ordinance shall become effective immediately upon its		
154	adoption.		
155			
156			
157	PASSED AND ADOPTED in open session this day, 2024.		
158	<u> </u>		
159			
160	THE CITY OF LABELLE, FLORIDA		
161	,,		
162			
163	Bv:		
164	By:		
165	vone et wants, may er		
166	Attest:		
167	Tijauna Warner, Deputy City Clerk		
168	Thusia Waller, Deputy City Clerk		
169	APPROVED AS TO FORM AND		
170	LEGAL SUFFICIENCY:		
171			
172			
173	By:		
174	Derek Rooney, City Attorney		
175			
176			
177			
178			
179			

180	Vote:	AYE	NAY
181			
182	Mayor Wilkins		
183	Commissioner Vargas		
184	Commissioner Ratica		
185	Commissioner Akin		
186	Commissioner Spratt		
187			
188			

EXHIBIT A LEGAL DESCRIPTION

190 191

189

192 A PARCEL OF LAND LYING AND BEING IN SECTION 4, TOWNSHIP 43 SOUTH, RANGE 193 29 EAST, HENDRY COUNTY, FLORIDA, SAID PARCEL BEING MORE PARTICULARLY 194 DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTHEAST CORNER OF BLOCK 195 104, OF GOODNO'S ADDITION TO LABELLE, AS RECORDED IN PLAT BOOK 3, AT 196 PAGE 3, OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA, LYING AND BEING 197 IN HENDRY COUNTY, FLORIDA; THENCE SOUTH 88 DEGREES 28 MINUTES 16 198 SECONDS WEST, ALONG THE NORTH LINE OF SAID BLOCK 104, 30.01 FEET TO THE 199 WEST RIGHT-OF-WAY LINE OF FORT THOMPSON AVENUE; THENCE SOUTH 00 DEGREES 24 MINUTES 14 SECONDS EAST, ALONG SAID WEST RIGHT-OF-WAY LINE 200 201 522.99 FEET TO THE SOUTHEAST CORNER OF THE LANDS DESCRIBED IN OFFICIAL 202 RECORDS BOOK (O.R.B.) 643, AT PAGE (PG.) 143, OF THE PUBLIC RECORDS OF 203 HENDRY COUNTY, FLORIDA, SAID SOUTHEAST CORNER BEING THE POINT OF 204 BEGINNING OF THE LANDS HEREIN DESCRIBED; THENCE SOUTH 88 DEGREES 28 205 MINUTES 56 SECONDS WEST, ALONG THE SOUTH LINE OF SAID LANDS, 170.00 FEET; 206 THENCE NORTH 00 DEGREES 24 MINUTES 14 SECONDS WEST, PARALLEL TO SAID 207 WEST RIGHT-OF-WAY LINE, AND ALONG THE WEST LINE OF SAID LANDS, AND THE 208 WEST LINE OF YEOMAN'S SUBDIVISION UNIT NO. 1, AS RECORDED IN PLAT BOOK 209 4, AT PAGE 90, OF THE PUBLIC RECORDS OF HENDRY COUNTY, FLORIDA, 523.06 210 FEET TO THE NORTH LINE OF SAID BLOCK 104; THENCE SOUTH 88 DEGREES 28 211 MINUTES 16 SECONDS WEST, ALONG THE NORTH TINE OF SAID BLOCK 104, 218.9 212 FEET TO THE NORTHWEST CORNER OF SAID BLOCK 104; THENCE SOUTH 00 213 DEGREES 19 MINUTES 14 SECONDS EAST, ALONG THE WEST LINE OF SAID BLOCK 214 104, 773.16 FEET TO THE SOUTHWEST CORNER OF SAID BLOCK 104 AND THE 215 NORTHERLY RIGHT-OF-WAY OF STATE ROAD NO. 80; THENCE NORTH 88 DEGREES 216 28 MINUTES 50 SECONDS EAST, ALONG SAID NORTHERLY RIGHT-OF-WAY LINE, 217 390.04 FEET TO SAID WEST RIGHT-OF-WAY LINE; THENCE NORTH 00 DEGREES 24 218 MINUTES 14 SECONDS WEST, ALONG SAID WEST RIGHT-OF-WAY LINE, 250.21 FEET 219 TO THE POINT OF BEGINNING.

220

AND

221222

BLOCKS 35 AND 36, OF LABELLE, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 1, AT PAGE 47, OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA, LYING AND BEING IN HENDRY COUNTY, FLORIDA, LESS THE NORTH 25 FEET THEREOF FOR ROAD RIGHT-OF-WAY PURPOSES.

- 228 LESS AND EXCEPTING THEREFROM THE FOLLOWING DESCRIBED LANDS:
- 229 LOT 1
- 230 A PARCEL IN SECTION 4, TOWNSHIP 43 SOUTH, RANGE 29 EAST, HENDRY COUNTY,
- 231 FLORIDA, BEING A PART OF BLOCK 36, GOODNO'S SUBDIVISION OF LABELLE AS
- 232 RECORDED IN PLAT BOOK 1, PAGE 47, OF THE PUBLIC RECORDS OF LEE COUNTY,
- 233 FLORIDA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

- 234 BEGINNING AT THE INTERSECTION OF THE EAST LINE OF SAID BLOCK 36 AND THE
- 235 SOUTH RIGHT OF WAY LINE OF OKLAHOMA AVENUE, THENCE: SOUTH 88°30'14"
- 236 WEST, 263.56 FEET ALONG SAID SOUTH RIGHT OF WAY LINE OF OKLAHOMA
- 237 AVENUE TO THE TRUE POINT OF BEGINNING; THENCE SOUTH 00°19'44" EAST, 165.03
- 238 FEET TO A LINE 165 FEET SOUTH OF AND PARALLEL WITH SAID SOUTH RIGHT OF
- 239 WAY LINE OF OKLAHOMA AVENUE; THENCE SOUTH 88°30'14" WEST, 131.64 FEET,
- 240 ALONG SAID PARALLEL LINE; THENCE NORTH 00°22'27' WEST 165.03 FEET ALONG
- 241 THE EASTERLY RIGHT OF WAY LINE OF CYPRESS STREET (NOT OPEN); THENCE
- NORTH 88°30'14" EAST, 131.77 FEET, ALONG SAID SOUTH RIGHT OF WAY LINE OF
- 243 OKLAHOMA AVENUE TO THE TRUE POINT OF BEGINNING. THE SAME PARCEL
- 244 BEING DESCRIBED IN O.R. BOOK 704, PAGE 1438, PUBLIC RECORDS, HENDRY
- 245 COUNTY, FLORIDA.

246

- 247 AND
- 248 LESS: LOT 6
- 249 COMMENCING AT THE INTERSECTION OF THE EAST LINE OF BLOCK 36 OF
- 250 GOODNO'S SUBDIVISION AND THE SOUTH RIGHT-OF-WAY LINE OF OKLAHOMA
- 251 AVENUE THENCE NORTH 88 DEGREES, 30 MINUTES, 14 SECONDS EAST, 263.56 FEET
- 252 ALONG THE SOUTH RIGHT OF WAY LINE OF OKLAHOMA AVENUE TO THE TRUE
- 253 POINT OF BEGINNING, THENCE CONTINUE NORTH 88 DEGREES 30 MINUTES 14
- 254 SECONDS EAST, 131.87 FEET TO THE WEST LINE OF BLOCK 104 OF SAID GOODNO'S
- 255 SUBDIVISION, THENCE; SOUTH 00 DEGREES 19 MINUTES 14 SECONDS EAST 165.03
- 256 FEET ALONG SAID WEST LINE TO A LINE 165 FEET SOUTH OF AND PARALLEL WITH
- 257 SAID SOUTH RIGHT OF WAY LINE OF OKLAHOMA AVENUE, THENCE; SOUTH 88
- 258 DEGREES 30 MINUTES 14 SECONDS WEST 131.84 FEET ALONG SAID PARALLEL LINE,
- 259 THENCE; N 00 DEGREES 19 MINUTES 44 SECONDS WEST 165.03 FEET TO THE TRUE
- 260 POINT OF BEGINNING. THE SAME PARCEL BEING DESCRIBED IN O.R. BOOK 709,
- 261 PAGE 1462, PUBLIC RECORDS, HENDRY COUNTY, FLORIDA.

262

- 263 AND
- 264 LESS: LOT 2
- 265 A PARCEL IN SECTION 4, TOWNSHIP 43 SOUTH, RANGE 29 EAST, HENDRY COUNTY,
- 266 FLORIDA, BEING A PART OF BLOCK 36, GOODNO'S SUBDIVISION OF LABELLE AS
- 267 RECORDED IN PLAT BOOK 1, PAGE 47 OF THE PUBLIC RECORDS OF LEE COUNTY,
- 268 FLORIDA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

- 270 BEGINNING AT THE INTERSECTION OF THE EAST LINE OF SAID BLOCK 36 AND THE
- 271 SOUTH RIGHT OF WAY LINE OF OKLAHOMA AVENUE, THENCE: SOUTH 88°30'14"
- 272 WEST, 131.78 FEET. ALONG SAID SOUTH RIGHT OF WAY LINE OF OKLAHOMA
- 273 AVENUE TO THE TRUE POINT OF BEGINNING, THENCE; SOUTH 00°1944" EAST, 165.03
- 274 FEET, TO A LINE 165 FEET SOUTH OF AND PARALLEL WITH SAID SOUTH RIGHT OF
- 275 WAY LINE OF OKLAHOMA AVENUE, THENCE; SOUTH 88°30'14" WEST, 131.78 FEET
- 276 ALONG SAID PARALLEL LINE, THENCE; NORTH 00°19'44" WEST 165.03 FEET,
- 277 THENCE; NORTH 88°30'14" EAST 131.77 FEET. ALONG SAID SOUTH RIGHT OF WAY

- 278 LINE TO THE TRUE POINT OF BEGINNING. BEING THE SAME LANDS AS DESCRIBED
- 279 IN O.R. BOOK 707, PAGE 1814, PUBLIC RECORDS, HENDRY COUNTY, FLORIDA.

280 281 AND

- 282 LESS: LOT 3
- 283 A PARCEL IN SECTION 4, TOWNSHIP 43 SOUTH, RANGE 29 EAST, HENDRY COUNTY,
- 284 FLORIDA, BEING A PART OF BLOCK 36, GOODNO'S SUBDIVISION OF LABELLE AS
- 285 RECORDED IN PLAT BOOK 1, PAGE 47 OF THE PUBLIC RECORDS OF LEE COUNTY,
- 286 FLORIDA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

287

- 288 BEGINNING AT THE INTERSECTION OF THE EAST LINE OF SAID BLOCK 36 AND THE
- 289 SOUTH RIGHT OF WAY LINE OF OKLAHOMA AVENUE, THENCE; SOUTH 00°19'44"
- 290 EAST, 165.03 FEET, ALONG SAID EAST LINE OF BLOCK 36 TO A LINE 165 FEET SOUTH
- 291 OF AND PARALLEL WITH SAID SOUTH RIGHT OF WAY LINE OF OKLAHOMA
- 292 AVENUE, THENCE; SOUTH 88°30'14" WEST, 131.78 FEET, ALONG SAID PARALLEL
- 293 LINE, THENCE; NORTH 00°19'44" WEST, 165.03 FEET, THENCE; NORTH 88°30'14' EAST,
- 294 131.78 FEET, ALONG SAID SOUTH RIGHT OF WAY LINE TO THE TRUE POINT OF
- 295 BEGINNING. BEING THE SAME LANDS DESCRIBED IN O.R. BOOK 726, PAGE 158,
- 296 PUBLIC RECORDS, HENDRY COUNTY, FLORIDA.

297

- 298 AND
- 299 LESS: LOT 4
- 300 A PARCEL IN SECTION 4, TOWNSHIP 43 SOUTH, RANGE 29 EAST, HENDRY COUNTY,
- 301 FLORIDA, BEING A PART OF BLOCK 36, GOODNO'S SUBDIVISION OF LABELLE AS
- 302 RECORDED IN PLAT BOOK 1, PAGE 47 OF THE PUBLIC RECORDS OF LEE COUNTY,
- 303 FLORIDA, MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT THE
- 304 INTERSECTION OF THE EAST LINE OF SAID BLOCK 36, GOODNO'S SUBDIVISION
- 305 AND THE SOUTH RIGHT OF WAY LINE OF OKLAHOMA AVENUE, THENCE: NORTH
- 306 88 DEGREES 30'14" EAST, 131.78 FEET; ALONG SAID SOUTH RIGHT OF WAY LINE OF OKLAHOMA AVENUE, THENCE; SOUTH 00 DEGREES 19'44" EAST, 165.03 FEET TO A
- 308 LINE 165 FEET SOUTH OF AND PARALLEL WITH THE SOUTH RIGHT OF WAY LINE
- 309 OF OKLAHOMA AVENUE, THENCE; SOUTH 88 DEGREES 30'14" WEST 131.78 FEET
- 310 ALONG SAID PARALLEL LINE, THENCE; NORTH 00'19'44" WEST 165.03 FEET TO THE
- 311 POINT OF BEGINNING. BEING THE SAME LANDS DESCRIBED IN O.R. BOOK 747,
- 312 PAGE 525, PUBLIC RECORDS, HENDRY COUNTY, FLORIDA.

313314

CONTAINING A COMPUTED AREA OF 15.95 ACRES MORE OR LESS.

315316

- 318
- 319 320
- 321
- 322

323	EXHIBIT B		
324	SCHEDULE OF USES		
325			
326	<u>Residential</u>		
327			
328	Administrative Offices		
329	Accessory Uses and Structures		
330	City of LaBelle Essential Public Utility Stations		
331 332	Excavation, Water Retention		
333	Fences, Walls Dwellings, Multi-Family		
333 334	Parking Lot		
335	Public/Quasi-Public Utilities		
336	Recreational Facilities (private)		
337	a		
338	Signs (in accordance with rippendix 2, section 1 or)		
339	Commercial		
340	Accessory Uses and Structures		
341	Business Services		
342	City of LaBelle Utilities		
343	Clubs/Lodges		
344	Cultural institutions		
345	Financial Institutions		
346	Health Care Facilities		
347	Government Offices		
348	Medical Offices		
349	Professional Offices		
350	Personal Services		
351	Pharmacies		
352	Retail Sales		
353	Restaurants (on-site or off-site consumption of alcohol requires a PUD Amendment requiring		
354	public hearings)		
355			

EXHIBIT C SITE DEVELOPMENT REGULATIONS

	Commercial	Multi-Family		
Min. Lot Area	20,000 SF	N/A		
Min. Lot Width	100'	100'		
Min. Lot Depth	100'	100'		
Max Lot Coverage	40%	40%		
Max Number of Habitable Floors	2 stories/35 feet	2 stories/35 feet		
Minimum Setbacks ^(1, 2 & 3) :				
Front (External ROW)	50'	25'		
Front (Internal ROW)	20'	20'		
Side	40'	15'		
Rear	40'	20'		
Building Separation	40'	½ BH		

- 1. Except that this may be reduced to 30 ft where buffered from the ROW by native preserve area from SR 80 only. See Note 3 for setbacks from Fort Thompson Avenue.
- 2. Minimum setback from northern property line for principal and accessory structures is 205 feet.
- 3. Minimum setback from Fort Thompson Avenue for residential principal and accessory structures is 224 feet, and 50 feet from commercial structures.

EXHIBIT D - MASTER CONCEPT PLAN

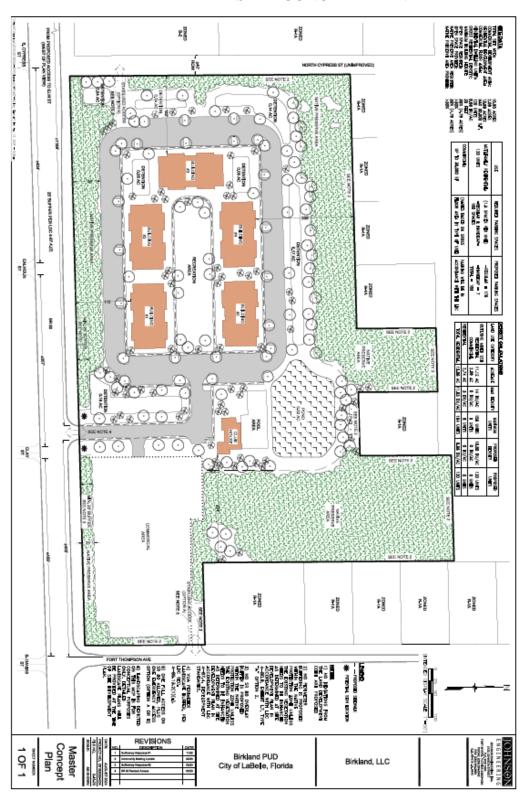


EXHIBIT E – SIGNIFICANT OAK TREE MITGATION

