

# CITY OF LABELLE



## AGENDA

### **Regular Commission Meeting**

Thursday, June 12, 2025, at 5:30 PM

LaBelle Commission Chambers  
481 West Hickpochee Ave  
LaBelle, FL 33975

### **CITY COMMISSION:**

Julie C. Wilkins., Mayor  
Kevin Holland, Commissioner  
Jackie Ratica, Commissioner  
Bobbie Spratt, Commissioner  
Hugo Vargas, Commissioner

### **ADMINISTRATION:**

Tijauna Warner, BAS, MMC, Deputy City Clerk  
Derek Rooney, Esq., City Attorney  
Mitchell Wills, Superintendent PW

## Agenda

1. **Call to Order**
2. **Invocation and Pledge of Allegiance**
3. **Roll Call**
4. **Additions of Emergency Basis From Mayor, Deletions and Approval of Agenda Items**
5. **Presentations**
  - A. Margaret England Certificate of Recognition
  - B. Mary Bartoshuk Certificate of Recognition
  - C. FY2023-2024 Audit - Daniel Anderson, Mualdin & Jenkins CPA's & Advisors
6. **Consent Agenda Items for Consideration**

*(Any commissioner or citizen may request to have an item removed from the consent agenda and placed on the regular agenda for further discussion.)*

  - A. **Approval of May Check Register**
  - B. **Approval of May Minutes:**  
May 8, 2025 City Commission Meeting Minutes
  - C. **Approval of Staff Reports:**
    - HCSO- Lt. Allen Hudson
    - Fire Department- Chief Brent Stevens
    - Building Department- Mark Lynch
    - Code Enforcement- Zane Mungillo
    - Woodard & Curran- Justin deMello
  - D. Code Enforcement Settlement – LaBelle Rentals
7. **Non-Public Hearing Items for Consideration**

*(Limited to 15 minutes per item: 3-5 minutes optional presentation time with the remaining time for discussion by the Commission)*

  - A. Funding for Capital Improvements
8. **Public Hearings and/or Ordinances**
  - A. ORDINANCE 2025-01 *(second reading)* AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF LABELLE, FLORIDA; ESTABLISHING A MANDATORY YEAR-ROUND LANDSCAPE IRRIGATION MEASURES; PROVIDING FOR CODIFICATION, SEVERABILITY, CONFLICTS AND AN EFFECTIVE DATE.
  - B. Hendry County Interlocal Agreement Fuel Tax Revenue
  - C. ORDINANCE 2025 - 02 *(first reading)* LABELLE CHAPTER 144 DISABLED AMERICAN VETERANS PLANNED UNIT DEVELOPMENT AMENDMENT AN ORDINANCE OF THE

CITY OF LABELLE, FLORIDA, AMENDING ORDINANCE 2020-14 FOR THE DISABLED AMERICAN VETERANS FLEA MARKET PLANNED UNIT DEVELOPMENT; ADDING 0.48+/- ACRES TO THE PLANNED UNIT DEVELOPMENT FOR PARKING; PROVIDING FOR INTENT; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

- D. ORDINANCE 2025 - 03 (first reading) AN ORDINANCE OF THE CITY OF LABELLE, FLORIDA; AMENDING THE CITY OF LABELLE CODE, CHAPTER 11, ARTICLE V, STREET VENDING; AND AMENDING APPENDIX B, LAND DEVELOPMENT CODE, CHAPTER 4, ARTICLE V, SUPPLEMENTARY DISTRICT REGULATIONS, CREATING SECTION 4-92; AMENDING REGULATIONS RELATING TO MOBILE VENDING; PROVIDING FOR RATIFICATION OF PRIOR ACTIONS; PROVIDING FOR CODIFICATION, SEVERABILITY, CONFLICTS AND AN EFFECTIVE DATE.
- E. ORDINANCE 2025 - 04 (first reading) THE RESIDENCES AT GRANDE OAKS ANNEXATION AN ORDINANCE OF THE CITY OF LABELLE, FLORIDA, ANNEXING A 26.26+/--ACRE PROPERTY LOCATED ¼ MILE SOUTH OF HELMS ROAD AND WEST OF STATE ROAD 29, INTO THE CORPORATE LIMITS OF THE CITY OF LABELLE, FLORIDA; IN ACCORDANCE WITH THE ANNEXATION PROVISIONS OF CHAPTER 171, PART II, FLORIDA STATUTES; REDEFINING THE BOUNDARY LINES OF SAID CITY IN CONFORMANCE THEREWITH; AMENDING THE OFFICIAL BOUNDARY MAP OF THE CITY OF LABELLE, FLORIDA, PROVIDING THAT EXISTING FUTURE LAND USE AND ZONING DESIGNATIONS REMAIN UNTIL CHANGED BY THE CITY ORDINANCE; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE 13 DATE.
- F. ORDINANCE 2025 - 05 (first reading) THE RESIDENCES AT GRANDE OAKS SMALL-SCALE COMPREHENSIVE PLAN MAP AMENDMENT AN ORDINANCE OF THE CITY OF LABELLE, FLORIDA, PROVIDING FOR A SMALL-SCALE COMPREHENSIVE PLAN AMENDMENT TO THE FUTURE LAND USE MAP FOR A 26.26+/--ACRE PROPERTY LOCATED ¼ MILE SOUTH OF HELMS ROAD AND WEST OF STATE ROAD 29; AMENDING THE COMPREHENSIVE PLAN DESIGNATION FOR THE PROPERTY FROM UNINCORPORATED HENDRY COUNTY COMPREHENSIVE PLAN "HIGH DENSITY RESIDENTIAL" DESIGNATION TO THE CITY OF LABELLE "OUTLYING MIXED USE" DESIGNATION; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.
- G. ORDINANCE 2025 - 06 (first reading) THE RESIDENCES AT GRAND OAKS PLANNED UNIT DEVELOPMENT AN ORDINANCE OF THE CITY OF LABELLE, FLORIDA, AMENDING THE CITY OF LABELLE ZONING MAP FOR A 26.26+/--ACRE PROPERTY LOCATED ¼ MILE SOUTH OF HELMS ROAD AND WEST OF STATE ROAD 29, AMENDING THE ZONING DESIGNATION FROM UNINCORPORATED HENDRY COUNTY GENERAL AGRICULTURE (A-2) ZONING DISTRICT TO CITY OF LABELLE PLANNED UNIT DEVELOPMENT (PUD) ZONING DISTRICT, PROVIDING FOR IDENTIFICATION OF THE SUBJECT PROPERTY; PROVIDING FOR INTENT; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.
- H. RESOLUTION 2025 - 03 495 DAVIS STREET FENCE VARIANCE A RESOLUTION OF THE CITY OF LABELLE, FLORIDA, ALLOWING FOR A VARIANCE FROM THE FENCE REGULATIONS ESTABLISHED IN THE LAND DEVELOPMENT CODE SECTION 4-84, TO ALLOW FOR A 5-FOOT CHAIN LINK FENCE IN A FRONT YARD THAT EXTENDS BEYOND THE DWELLING UNIT AT THE SUBJECT PROPERTY LOCATED AT 495 DAVIS STREET; IN THE CITY OF LABELLE, FLORIDA; PROVIDING FOR IDENTIFICATION OF THE SUBJECT PROPERTY; PROVIDING FOR INTENT; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

**9. Public Comment on Non-Agenda Items**

*(Limited to 3 minutes per person)*

**10. City Related Business by Commissioners**

**11. Adjournment**

**Upcoming Meetings:**

\*Be advised that the Commission may take action on items not listed on the agenda.

July 10, 2025 Local Planning Agency & City Commission Meeting

**City of Labelle Office Closures:**

July 4, 2025 Independence Day

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**Meeting Records Request**

Any person requesting the appeal of a decision of the City Commission will require a verbatim record of the proceedings and for that purpose will need to ensure that such verbatim record is made. Pursuant to FS. 286.0105, the record must include the testimony and evidence upon which the appeal is to be based. The City of LaBelle does not prepare or provide such verbatim record.

**Notice of Commission Meetings and Agendas**

The second Thursday of each month are regular meeting dates for the City Commission; special or workshop meetings may be called, whenever necessary. Commission Agendas are posted on the City's website on the Friday prior to each Commission meeting. A copy of the meeting audio and the complete agenda may be requested at [tiawarner@citylabelle.com](mailto:tiawarner@citylabelle.com) or 863-675-2872.

**Americans with Disabilities Act**

In accordance with the provisions of the Americans with Disabilities Act (ADA), this document can be made available in an alternate format upon request. Special accommodations can be provided upon request with five (5) days advance notice of any meeting, by contacting Deputy City Clerk Tijauna Warner at LaBelle City Hall, 481 W. Hickpochee Avenue, LaBelle, Florida. Phone No. 863-675-2872. Hearing Assistance: If hearing impaired, contact Florida Relay at 800-955-8771 (TDD) or 800-955-8770 (Voice), for assistance. (Reference: Florida Statute 286.26)





# CERTIFICATE OF RECOGNIZATION

This certificate is hereby presented to

**Margaret England**

for your outstanding dedication and continued commitment to volunteering time and effort to the City of LaBelle, Florida. Thank you for bettering the lives of our community members and younger generation.

---

**Julie C. Wilkins**  
Mayor





# CERTIFICATE OF RECOGNIZATION

This certificate is hereby presented to

**Mary Bartoshuk**

for your outstanding dedication and continued commitment to volunteering time and effort to the City of LaBelle, Florida. Thank you for bettering the lives of our community members and younger generation.

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**Julie C. Wilkins**  
Mayor



Range of Checking Accts: First to Last Range of Check Dates: 05/01/25 to 05/31/25  
Report Type: All Checks Report Format: Super Condensed Check Type: Computer: Y Manual: Y Dir Deposit: Y

Check #	Check Date	Vendor	Amount Paid	Reconciled/Void	Ref Num
GEN FUND POOLED	GENERAL FUND POOLED CASH				
653	05/02/25	VISA VISA	1,309.66		9470
655	05/02/25	VISA VISA	388.83		9473
656	05/02/25	VISA VISA	2,616.11		9474
2259	05/02/25	SOFDU ST OF FL. DISBURSEMENT UNIT	166.92		9469
2260	05/02/25	FRS FLORIDA RETIREMENT SYSTEM	24,048.84		9471
2261	05/05/25	BSA BRIDGE STREET AUTO PARTS, INC.	428.92		9475
2262	05/05/25	CENTLINK CENTURYLINK	368.45		9475
2263	05/05/25	CLINK CENTURYLINK	472.23		9475
2264	05/05/25	COMCAST COMCAST	309.85		9475
2265	05/05/25	FPL FLORIDA POWER & LIGHT	0.00	05/05/25 VOID	0
2266	05/05/25	FPL FLORIDA POWER & LIGHT	19,279.02		9475
2267	05/05/25	GAFS GREAT AMERICA FINANCIAL SVCS	345.96		9475
2268	05/05/25	PBBI PITNEY BOWES BANK INC	204.30		9475
2269	05/05/25	UNWAYLEE UNITED WAY OF LEE COUNTY	250.00		9475
2270	05/05/25	DOBBS005 DOBBS EQUIPMENT LLC	1,182.28		9478 Direct Deposit
2271	05/05/25	OPENS005 OPEN SKY PRODUCTIONS LLC	8,500.00		9478 Direct Deposit
2272	05/05/25	ORKINPC ORKIN, LLC	65.00		9478 Direct Deposit
2273	05/05/25	COLW CITY OF LABELLE, WATER & SANIT	3,931.38		9480
664	05/08/25	TIJUA005 TIJUANA WARNER	509.54	05/08/25 VOID	9482
2275	05/08/25	TIJUA005 TIJUANA WARNER	509.54		9482
2276	05/08/25	JENHUB JENNIFER HUBBARD	543.56		9483
2277	05/08/25	ZANEM ZANE MUNGILLO	530.20		9484
2274	05/09/25	SOFDU ST OF FL. DISBURSEMENT UNIT	166.92		9481
2278	05/12/25	FMPT2 FLORIDA MUNICIPAL PENSION TRST	15.00		9485
2279	05/12/25	ABP ACCENT BUSINESS PRODUCTS	67.98		9486
2280	05/12/25	AFL AMERICAN FAMILY LIFE ASSR CO.	1,777.64		9486
2281	05/12/25	AZ AUTO ZONE	145.50		9486
2282	05/12/25	CARDI005 CARDIO PARTNERS INC	8,835.75		9486
2283	05/12/25	FIRE005 FIRE-DEX INC.	262.88		9486
2284	05/12/25	FMPT2 FLORIDA MUNICIPAL PENSION TRST	19,197.75		9486
2285	05/12/25	GRAYROB GrayRobinson Attorneys At Law	22,027.50		9486
2286	05/12/25	LCBOCC LEE COUNTY SOLID WASTE	43.28		9486
2287	05/12/25	RAYM RAYMOND MARROQUIN	500.00		9486
2288	05/12/25	SESC SMITH EQUIPMENT & SUPPLY CO.	693.00		9486
2289	05/12/25	AAPE01 BERKOVITCH & BOUSKILA, PLLC	1,731.00		9489 Direct Deposit
2290	05/12/25	CQL CAPTAINS QUICK LUBE	169.90		9489 Direct Deposit
2291	05/12/25	LDRC LABELLE DOWNTOWN	1,741.00		9489 Direct Deposit
2292	05/12/25	PRM PUBLIC RISK MANAGEMENT	45,438.79		9489 Direct Deposit
2293	05/12/25	SSW SHARON SANDERS WHITE	110.00		9489 Direct Deposit
710	05/16/25	FDOR FLORIDA DEPT OF REVENUE	150.64		9498
2294	05/16/25	SOFDU ST OF FL. DISBURSEMENT UNIT	166.92		9491
2295	05/19/25	ANGEL005 ANGELICA M CANO	500.00		9492
2296	05/19/25	BROWEL BROWN'S WELDING LLC	605.00		9492
2297	05/19/25	HOMDEF HOMETEAM PEST DEFENSE INC	926.20		9492
2298	05/19/25	PB PITNEY BOWES INC	26.39		9492
2299	05/19/25	SPRATT SPRATT AND ASSOCIATES LLC	7,500.00		9492
2300	05/19/25	TMOBI005 T-MOBILE USA INC.	2,558.25		9492
2301	05/20/25	AES AIM ENGINEERING & SURVEYING	2,122.19		9495 Direct Deposit
2302	05/20/25	AMACS AMAZON CAPITAL SERVICES	5,262.95		9495 Direct Deposit

Check #	Check Date	Vendor	Amount Paid	Reconciled/Void	Ref Num
GEN FUND POOLED	GENERAL FUND POOLED CASH	Continued			
2303	05/20/25	CIVIC CIVICPLUS LLC	3,496.50		9495 Direct Deposit
2304	05/20/25	CULL CULLIGAN WATER	146.25		9495 Direct Deposit
2305	05/20/25	DEXI DEX IMAGING LLC	355.72		9495 Direct Deposit
2306	05/20/25	FOSTER FOSTER & FOSTER INC.	1,100.00		9495 Direct Deposit
2307	05/20/25	FWEI FOUR WATERS ENGINEERING, INC	24,276.25		9495 Direct Deposit
2308	05/20/25	GERAL005 GERALD MIXON CONCRETE INC	4,550.00		9495 Direct Deposit
2309	05/20/25	LILLI005 LILLIAN M DAVENPORT	223.60		9495 Direct Deposit
2310	05/20/25	MJW MARY JO WILSON	95.00		9495 Direct Deposit
2311	05/20/25	PTLLC PROTECTED TRUST LLC	2,166.45		9495 Direct Deposit
2313	05/22/25	FBC FIRST BANK OF CLEWISTON	51,226.00	05/22/25 VOID	9499 (Reason: WRONG AMOUNT)
2314	05/22/25	FBC FIRST BANK OF CLEWISTON	51,226.06		9500
2312	05/23/25	SOFDU ST OF FL. DISBURSEMENT UNIT	166.92		9497
2315	05/27/25	ABP ACCENT BUSINESS PRODUCTS	49.54		9501
2316	05/27/25	BCSI BUILDERS CHOICE SUPPLY INC	23.80		9501
2317	05/27/25	BROWEL BROWN'S WELDING LLC	770.00		9501
2318	05/27/25	CLA COLONIAL LIFE & ACCIDENT INS.	134.21		9501
2319	05/27/25	COLW2 CITY OF LABELLE WATER AND SANI	3,219.95		9501
2320	05/27/25	COMCAST COMCAST	454.49		9501
2321	05/27/25	FEBCO FRANK E BROWNING	91.20		9501
2322	05/27/25	FPL FLORIDA POWER & LIGHT	0.00	05/27/25 VOID	0
2323	05/27/25	FPL FLORIDA POWER & LIGHT	5,098.17		9501
2324	05/27/25	GRAYROB GrayRobinson Attorneys At Law	25,245.00		9501
2325	05/27/25	HO HOMERO OLIVAREZ, JR	75.00		9501
2326	05/27/25	JACQU005 JACQUNETTIA WILLIS	250.00		9501
2327	05/27/25	MCS MONRO COMMERCIAL SOLUTIONS	880.51		9501
2328	05/27/25	VAH VISION ACE HARDWARE-LABELLE	469.23		9501
2329	05/28/25	AES AIM ENGINEERING & SURVEYING	2,469.42		9503 Direct Deposit
2330	05/28/25	CIC CHANNEL INNOVATIONS CORP.	1,277.25		9503 Direct Deposit
2331	05/28/25	JOSHR JOSHUA RIMES	2,600.00		9503 Direct Deposit
2332	05/28/25	LNATL GLOBE LIFE	38.55		9503 Direct Deposit
2333	05/28/25	MJW MARY JO WILSON	95.00		9503 Direct Deposit
2334	05/28/25	ORKINPC ORKIN, LLC	65.00		9503 Direct Deposit
2335	05/28/25	RICKY005 RICKY RESCUE TRAINING ACADEMY	6,600.00		9503 Direct Deposit
2336	05/28/25	SSW SHARON SANDERS WHITE	110.00		9503 Direct Deposit
2337	05/30/25	SOFDU ST OF FL. DISBURSEMENT UNIT	166.92		9505

Checking Account Totals	Paid	Void	Amount Paid	Amount Void
Checks:	53	4	210,191.37	51,735.54
Direct Deposit:	27	0	115,988.10	0.00
Total:	80	4	326,179.47	51,735.54

UTILITY DEPOSIT Water Revenue Deposit

2579	05/05/25	U-000219 CAMPOS, MARIANELA	25.45	9476
2580	05/05/25	U-000220 ALVAREZ, LUDIE	105.06	9476
2581	05/12/25	U-000221 LINN, JESSICA KRISTIN	105.06	9487
2582	05/12/25	U-000222 RUIZ SEBASTIAN, TEODOCIA	22.14	9487
2583	05/19/25	U-000223 PLANTS, PAUL	55.63	9493
2584	05/19/25	U-000224 SARIOL LOPEZ, YAITE	31.31	9493
2585	05/19/25	U-000225 MENDES, ELI	120.96	9493
2586	05/19/25	U-000226 BELTRAN LOPEZ, LESTER YOVANY	29.46	9493
2587	05/19/25	U-000227 LOVEDAY, REGENIA FLORENCE	24.33	9493

Check #	Check Date	Vendor	Amount Paid	Reconciled/Void	Ref Num
UTILITY DEPOSIT Water Revenue Deposit					
Continued					
Checking Account Totals			Paid	Void	Amount Paid
			Checks: 9	0	519.40
			Direct Deposit: 0	0	0.00
			Total: 9	0	519.40
UTILITY POOLED UTILITY FUND POOLED CASH					
1000	05/02/25	FRS FLORIDA RETIREMENT SYSTEM	4,213.23		9472
1001	05/05/25	CENTLINK CENTURYLINK	122.82		9477
1002	05/05/25	CLINK CENTURYLINK	272.12		9477
1003	05/05/25	FPL FLORIDA POWER & LIGHT	24,486.83		9477
1004	05/05/25	LUMEN LUMEN	624.17		9477
1005	05/05/25	WOODARD WOODARD & CURRAN INC	470,711.54		9479 Direct Deposit
1006	05/12/25	ABP ACCENT BUSINESS PRODUCTS	65.56		9488
1007	05/12/25	AZ AUTO ZONE	52.87		9488
1008	05/12/25	WASTEC WASTE CONNECTIONS INC	72,150.05		9488
1009	05/12/25	PRM PUBLIC RISK MANAGEMENT	8,284.73		9490 Direct Deposit
1010	05/12/25	UTISOL UTILITY SOLUTIONS & AUTOMATION	30,952.54		9490 Direct Deposit
1011	05/19/25	SPRATT SPRATT AND ASSOCIATES LLC	7,500.00		9494
1012	05/19/25	WRIGHT WRIGHT NATIONAL FLOOD INS CO	1,449.00		9494
1013	05/20/25	BMI BADGER METER INC.	168.30	05/20/25 VOID	9496 Direct Deposit (Reason: Credit on Acct)
1014	05/20/25	CULL CULLIGAN WATER	48.00		9496 Direct Deposit
1015	05/20/25	FWEI FOUR WATERS ENGINEERING, INC	8,037.50		9496 Direct Deposit
1016	05/20/25	PTLLC PROTECTED TRUST LLC	472.75		9496 Direct Deposit
1017	05/27/25	ABP ACCENT BUSINESS PRODUCTS	31.39		9502
1018	05/27/25	BCSI BUILDERS CHOICE SUPPLY INC	11.95		9502
1019	05/27/25	COLW2 CITY OF LABELLE WATER AND SANI	2,486.86		9502
1020	05/27/25	FPL FLORIDA POWER & LIGHT	9,902.89		9502
1021	05/28/25	KBPI K&B PUMP & ELECTRICAL, LLC	14,999.60		9504 Direct Deposit
1022	05/28/25	KGAUSE KATHARINA GAUSE	200.00		9504 Direct Deposit
Checking Account Totals					
			Paid	Void	Amount Paid
			Checks: 14	0	123,369.74
			Direct Deposit: 8	1	533,706.66
			Total: 22	1	657,076.40
Report Totals					
			Paid	Void	Amount Paid
			Checks: 76	4	334,080.51
			Direct Deposit: 35	1	649,694.76
			Total: 111	5	983,775.27

Totals by Year-Fund					
Fund Description	Fund	Expend Total	Revenue Total	G/L Total	Total
GENERAL FUND	5-001	311,981.20	3.86-	14,202.13	326,179.47
WATER FUND	5-041	271,748.17	0.00	0.00	271,748.17
SEWER FUND	5-042	313,178.18	0.00	0.00	313,178.18
SANITATION OPERATION FUND	5-043	72,150.05	0.00	0.00	72,150.05
Year Total:		969,057.60	3.86-	14,202.13	983,255.87
WATER FUND	x-041	96.41	0.00	0.00	96.41
SEWER FUND	x-042	147.06	0.00	0.00	147.06
SANITATION OPERATION FUND	x-043	275.93	0.00	0.00	275.93
Year Total:		519.40	0.00	0.00	519.40
Total of All Funds:		969,577.00	3.86-	14,202.13	983,775.27

Totals by Fund					
Fund Description	Fund	Expend Total	Revenue Total	G/L Total	Total
GENERAL FUND	001	311,981.20	3.86-	14,202.13	326,179.47
WATER FUND	041	271,844.58	0.00	0.00	271,844.58
SEWER FUND	042	313,325.24	0.00	0.00	313,325.24
SANITATION OPERATION FUND	043	72,425.98	0.00	0.00	72,425.98
Total of All Funds:		969,577.00	3.86-	14,202.13	983,775.27

Fund Description	Fund	Current	Prior Rcvd	Prior Open	Paid Prior	Fund Total
GENERAL FUND	5-001	311,981.20	0.00	0.00	0.00	311,981.20
WATER FUND	5-041	271,748.17	0.00	0.00	0.00	271,748.17
SEWER FUND	5-042	313,178.18	0.00	0.00	0.00	313,178.18
SANITATION OPERATION FUND	5-043	72,150.05	0.00	0.00	0.00	72,150.05
Year Total:		969,057.60	0.00	0.00	0.00	969,057.60
WATER FUND	x-041	96.41	0.00	0.00	0.00	96.41
SEWER FUND	x-042	147.06	0.00	0.00	0.00	147.06
SANITATION OPERATION FUND	x-043	275.93	0.00	0.00	0.00	275.93
Year Total:		519.40	0.00	0.00	0.00	519.40
Total of All Funds:		969,577.00	0.00	0.00	0.00	969,577.00



# CITY OF LABELLE



## MINUTES

### **Regular Commission Meeting**

Thursday, May 08, 2025, at 5:30 PM

LaBelle Commission Chambers  
481 West Hickpochee Ave  
LaBelle, FL 33975

### **CITY COMMISSION:**

Julie C. Wilkins., Mayor  
Kevin Holland, Commissioner  
Jackie Ratica, Commissioner  
Bobbie Spratt, Commissioner  
Hugo Vargas, Commissioner

### **ADMINISTRATION:**

Tijauna Warner, BAS, MMC, Deputy City Clerk  
Derek Rooney, Esq., City Attorney  
Mitchell Wills, Superintendent PW

## Minutes

### 1. Call to Order

The meeting was called to order by Mayor Wilkins at 5:30 PM.

**Motion made by Commissioner Vargas to allow Commissioner Spratt to attend the meeting via phone, Seconded by Commissioner Ratica. Mayor Wilkins called for the question.**

**Motion passed (3-0).**

**Voting Yea: Mayor Wilkins, Commissioner Ratica, Commissioner Vargas**

### 2. Invocation and Pledge of Allegiance

### 3. Roll Call

PRESENT

Mayor Julie C. Wilkins

Commissioner Jackie Ratica

Commissioner Bobbie Spratt via phone

Commissioner Hugo Vargas

City Attorney Derek Rooney

ABSENT

Deputy City Clerk Tijauna Warner

### 4. Additions of Emergency Basis From Mayor, Deletions and Approval of Agenda Items

A. Approval of Appointing Kevin Holland as Tax Assessor Commissioner

**Motion made by Mayor Wilkins to approve the appointment of Kevin Holland as Tax Assessor Commissioner, Seconded by Commissioner Vargas. Mayor Wilkins called for the question. Motion passed unanimously.**

**Voting Yea: Mayor Wilkins, Commissioner Ratica, Commissioner Spratt, Commissioner Vargas**

B. Swearing-In Ceremony - Newly Appointed Tax Assessor Commissioner Kevin Holland

### 5. Presentations

A. Supporting Mobility in LaBelle - Western Transportation Institute (WTI)

*Natalie Villwock-Witte and David Kack gave a brief overview of roadway mobility in LaBelle.*

B. Margaret England Certificate of Recognition

*Moved to June 12, 2025, City Commission Meeting Agenda.*

C. Mary Bartoshuk Certificate of Recognition

*Moved to June 12, 2025, City Commission Meeting Agenda.*

*Mayor Wilkins called Shandeya Thomas (Vice Secretary, Ford and Sunset) to the podium to request changing the name of Collier Street to Nora's Lane.*

Regular Commission Meeting  
May 08, 2025

**Motion made by Commissioner Ratica to approve moving forward with the name change of Collier Avenue to Nora's Lane, Seconded by Commissioner Vargas. Mayor Wilkins called for the question. Motion passed unanimously.**  
**Voting Yea: Mayor Wilkins, Commissioner Holland, Commissioner Ratica, Commissioner Spratt, Commissioner Vargas**

## 6. Consent Agenda Items for Consideration

*(Any commissioner or citizen may request to have an item removed from the consent agenda and placed on the regular agenda for further discussion.)*

### A. Approval of April Check Register

### B. Approval of April Minutes:

April 10, 2025 City Commission Meeting Minutes

### C. Approval of Staff Reports:

-HCSO- Lt. Allen Hudson

-Fire Department- Chief Brent Stevens

-Building Department- Mark Lynch

-Code Enforcement- Zane Mungillo

### D. CAP Piggyback Agreement

### E. Approval to Close Inactive Bank Accounts

### F. Wheeler Grove Settlement Agreement

### G. Municipal Clerks Week Proclamation

### H. Ten-8 Fire Safety Ladder Truck Proposal

**Motion made by Commissioner Ratica to approve the Consent Agenda removing Item H Ten-8 Fire Safety Ladder Truck Proposal, Seconded by Commissioner Vargas. Mayor Wilkins called for the question. Motion passed unanimously.**  
**Voting Yea: Mayor Wilkins, Commissioner Holland, Commissioner Ratica, Commissioner Spratt, Commissioner Vargas**

**Motion made by Commissioner Vargas to approve the Ten-8 Fire Safety Ladder Truck Proposal, Seconded by Commissioner Ratica. Mayor Wilkins called for the question. A discussion ensued. Motion passed unanimously.**  
**Voting Yea: Mayor Wilkins, Commissioner Holland, Commissioner Ratica, Commissioner Spratt, Commissioner Vargas**

## 7. Non-Public Hearing Items for Consideration

*(Limited to 15 minutes per item: 3-5 minutes optional presentation time with the remaining time for discussion by the Commission)*

### A. Tortilla Plant Tree Removal Permit Application - Patty Kulak

**Motion made by Commissioner Vargas to approve the proposed tree removal permit, subject to the replanting of twenty-five (25) Live Oak trees on-site, each meeting the minimum size specifications outlined in the Land Development Code, Seconded by**

**Commissioner Ratica. Mayor Wilkins called for the question. A discussion ensued. Motion passed unanimously.**

**Voting Yea: Mayor Wilkins, Commissioner Holland, Commissioner Ratica, Commissioner Spratt, Commissioner Vargas**

Patty Kulak requested a letter or document approving staff to continue with the process of adding a mural under the bridge.

**Motion made by Commissioner Ratica to approve staff to proceed with a mural and authorizing the Mayor to send a letter to FDOT, Seconded by Commissioner Vargas. Mayor Wilkins called for the question. A discussion ensued. Motion passed unanimously.**

**Voting Yea: Mayor Wilkins, Commissioner Holland, Commissioner Ratica, Commissioner Spratt, Commissioner Vargas**

B. Termination of Fluoride in Water

**Motion made by Commissioner Vargas to approve removing fluoride from the city water, Seconded by Commissioner Ratica. Mayor Wilkins called for the question. A discussion ensued. Motion passed 4-1.**

**Voting Yea: Mayor Wilkins, Commissioner Ratica, Commissioner Ratica, Commissioner Vargas**

**Voting Nay: Commissioner Spratt**

C. Audit Status Update - Lilly Davenport (Finance Director)

*Lilly Davenport gave a brief update on the audit status.*

D. FY2026 Budget Preparations - Lilly Davenport (Finance Director)

*Lilly Davenport gave a brief update on preparing for FY2025-2026 Budget.*

E. Hendry County Impact Fee Interlocal Agreement

*Derek Rooney reviewed the Hendry County Impact Fee Interlocal Agreement with the commission. A discussion ensued.*

**8. Public Hearings and/or Ordinances**

A. ORDINANCE 2025-1 (first reading) AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF LABELLE, FLORIDA; ESTABLISHING A MANDATORY YEAR-ROUND LANDSCAPE IRRIGATION MEASURES; PROVIDING FOR CODIFICATION, SEVERABILITY, CONFLICTS AND AN EFFECTIVE DATE.

*Derek Rooney read Ordinance 2025 - 01 title into the record.*

*Public Hearing comments provided by the following: Jimmy Orlinski*

*The City Commission gave consent to move forward with second reading.*

**9. Public Comment on Non-Agenda Items**

*(Limited to 3 minutes per person)*

**10. City Related Business by Commissioners**

**11. Adjournment**

**Motion made by Commissioner Ratica to adjourn the meeting, Seconded by Commissioner Vargas. Mayor Wilkins called for the question. Motion passed unanimously.**

Regular Commission Meeting  
May 08, 2025

---

**Voting Yea: Mayor Wilkins, Commissioner Holland, Commissioner Ratica, Commissioner Spratt, Commissioner Vargas**

There being no further business to discuss, Mayor Wilkins adjourned the meeting at 7:50 PM.

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Julie C. Wilkins, Mayor

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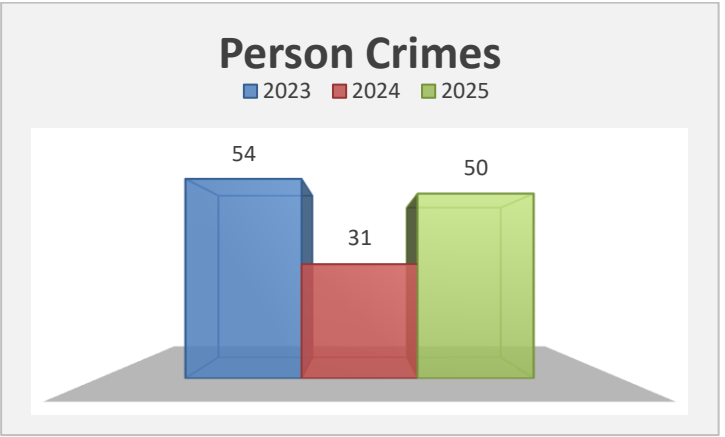
ATTEST: Tijauna Warner, BAS, MMC, City Clerk

# Hendry County Sheriff's Office

City of LaBelle Crime Report for June 2025 Meeting

Person Crimes	May	Apr.	Mar.	Feb.
Homicide	0	0	0	0
Robbery	0	0	0	0
Sex Crime	0	0	1	1
Assault	2	1	0	2
Battery - Simple	4	4	2	3
Domestic	0	4	7	2
TOTAL	6	9	10	8

YTD 2025	YTD 2024	YTD 2023
0	0	0
0	1	0
3	6	9
10	2	4
18	12	22
19	10	19
50	31	54

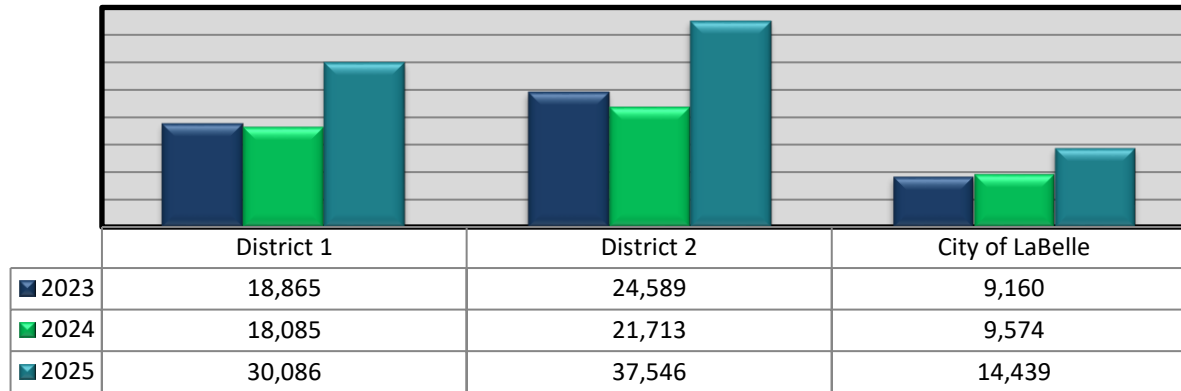


Property Crimes	May	Apr.	Mar.	Feb.
Stolen Vehicle	1	1	2	0
Theft				
- Construction	0	0	0	0
- Residential	2	1	2	4
- Retail	1	0	0	1
Burglary				
- Residential	1	2	2	0
- Business	1	0	0	1
- Vehicle	0	1	0	0
Criminal Mischief	1	4	2	6
TOTAL	7	9	8	12

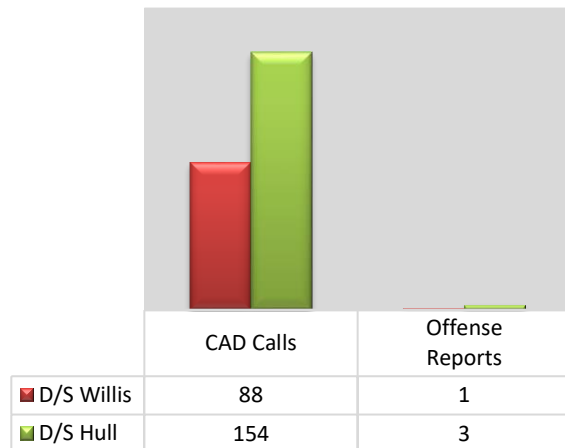
YTD 2025	YTD 2024	YTD 2023
7	6	18
0	1	0
12	38	33
2	13	7
8	8	7
2	4	2
2	17	14
19	17	12
52	104	93



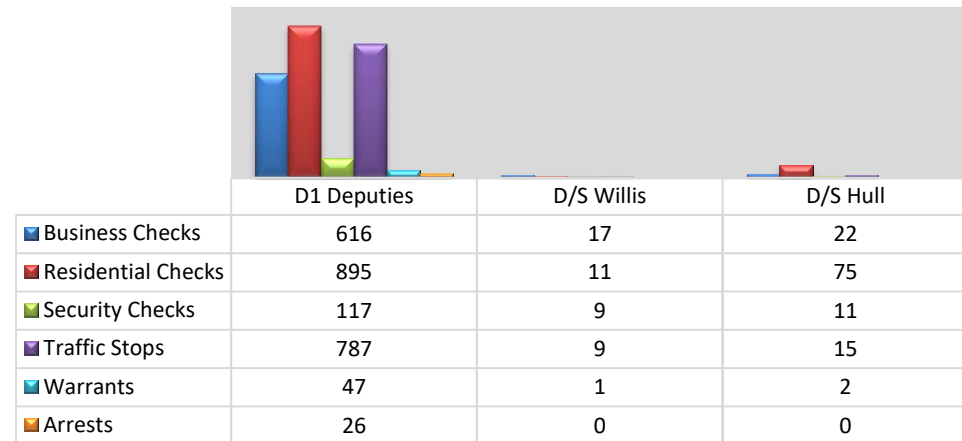
## Year-to-Date Call Summary, by District



## City Units



## City of LaBelle





# **LaBelle Fire Department**

CHIEF BRENT R. STEVENS

863-675-1537  
bstevens@citylabelle.com  
jhubbard@citylabelle.com  
280 S Main St LaBelle, FL 33935

## Agenda Items

LaBelle Fire Department Response:  
May Calls- 96

### **\*Engine Status**

All Engines in working order

### **\*Truck Repairs**

T-13 will return to vendor for valve and hose replacement after brush season.

### **\*County Response**

- LaBelle Fire Department has responded 56 times for mutual aid to outlining areas.

### **\*Station & Ladder**

- Station design is underway. Ladder truck has been approved & awaiting arrival of the truck.

Thank You,

Chief Brent Stevens  
LaBelle Fire Department  
863-234-8639



Range: PID: First to Last  
:  
:  
Range of Codes: BUI to BUI  
Range of Batch Ids: First to Last  
Range of Sections: First to Last  
Print Ref Num: N

Range of Util Accounts: First to Last  
Range of Customers: First to Last  
Range of Years: First to 2026  
Range of Dates: 05/01/25 to 05/31/25  
Name to Print: Bill To

Range of Periods: 1 to 12

Payment Type Includes: Sp Charges: Y Prop Lien: N Sp Assmnt: Y Water: Y Sewer: Y  
Voucher Agency: Y Garbage: Y Invoice: Y Misc: Y

Payment Method Includes: Cash: Y Check: Y Credit: Y Voucher: N VT: Y

Range of Installment Due Dates: First to Last

Print Only Miscellaneous w/Parcel Id: N Sort Miscellaneous Payments by Utility Account: N

Print Only Miscellaneous w/Utility Id: N

		----- Principal -----						
Code	Description	Count	Arrears/Other	Fiscal 2024	Fiscal 2025	Fiscal 2026	Interest	Total
BUI	BUILDING DEPT PYMTS	77	4,218.65	0.00	0.00	0.00	0.00	4,218.65
	Invoice Payments	77	4,218.65	0.00	0.00	0.00	0.00	4,218.65
Payments Total:		77	4,218.65	0.00	0.00	0.00	0.00	4,218.65
Cash O/S Total:		0	0.00	0.00	0.00	0.00	0.00	0.00
NSF Reversals Total:		0	0.00	0.00	0.00	0.00	0.00	0.00
Total:		77	4,218.65	0.00	0.00	0.00	0.00	4,218.65

Total Cash: 0.00  
Total Check: 1,952.99  
Total Credit: 154.01  
Total V Term: 2,111.65

Range: First to Last    Issue Date Range: 05/01/25 to 05/31/25    \*\*Indicates payment is in batch  
NOTE: Too many Building Codes included in this report. The totals are correct, but please print to Excel to see the complete detail.

	Alteration Cost	New Volume	BP D2Y BUILDING MECHANICAL PLAN REVIEW	BP D2Z CONTRACTOR PL ROW PLANNING	TOTAL RSRC ELECTRICAL PL UA LT PLUMBING
Grand Totals:	1,664,787.19	0	PAID: 0.00 0.00 12,680.54 1,764.97 0.00	0.00 0.00 0.00 0.00	18,494.02 2,456.30 0.00 1,110.00
			PERMIT COUNT:	0 41 18 0	0 17 0 14

BP SURC2 - Bldg Code Admin & Inspect Brd		BP SURCH - FL Building Commission Surchar	
1. Number of permits issued at the minimum surcharge rate 16 x \$2	\$ 32.00	1. Number of permits issued at the minimum surcharge rate 20 x \$2	\$ 40.00
2. Permit fees collected at other than minimum surcharge	\$ 16,655.81	2. Permit fees collected at other than minimum surcharge	\$ 16,037.77
3. Surcharge amount due (1.5% of line 2 or line 2 x 1.5)	\$ 249.84	3. Surcharge amount due (1.0% of line 2 or line 2 x 0.010)	\$ 160.38
4. Total of Lines 1 & 3	\$ 281.84	4. Total of Lines 1 & 3	\$ 200.38
5. Less surcharge amount retained (10% of line 4 or line 4 x 0.10)	\$ 28.18	5. Less surcharge amount retained (10% of line 4 or line 4 x 0.10)	\$ 20.04
6. Surcharge amount due (line 4 less line 5)	\$ 253.66	6. Surcharge amount due (line 4 less line 5)	\$ 180.34

\*NOTE: This report contains only PAID & WAIVED fees.

**Hugo Vargas**  
Commissioner

**Jackie Ratica**  
Commissioner

**Kevin Holland**  
Commissioner

**Bobbie Spratt**  
Commissioner



*"The City of Oaks"*

**Julie C. Wilkins**  
Mayor

## Code Enforcement Report

MAY 2025

5/01/2025 –5/30/2025

### Code enforcement

Code Enforcement is currently working on 97 open cases with four being opened and six being closed in May. Seven citizen complaints were investigated, thirty-nine inspections were completed, four courtesy notices, two violation/hearing notices and one notice of investigation were mailed out. Six lien searches were conducted, and two properties were posted with legal information.

### City dock,

The city dock had 24 reservations and \$553.62 was deposited to the city. The dock was measured in order to get quotes to expand water and power as well as redecking. One repair had to be made to the deck, and the slip pylons were numbered for better visibility from the water.

### Public safety,

Backup internet for city offices have begun to be installed, the Civic Center and Capt. Hendry house now have internet access and the LDO has a backup system up and running. Three meetings were conducted with Centegix, and all fire and LDO staff have been uploaded in the Centegix portal.

### Emergency management,

Three employees attended the hurricane conference and took part in emergency planning training, sheltering best practices, and recovery classes.

Zane Mungillo  
Code Enforcement



[woodardcurran.com](http://woodardcurran.com)  
COMMITMENT & INTEGRITY DRIVE RESULTS

# MONTHLY STATUS REPORT

## MAY 2025

### CITY OF LABELLE, FL



Prepared for:  
**Mayor Julie  
Wilkins**

Delivered on  
June 2, 2025

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## EXECUTIVE SUMMARY

**This Monthly Status Report covers the reporting period from May 1<sup>st</sup>, 2025, through May 31<sup>st</sup>, 2025.**

May 2025 was another successful month of operations at the City of LaBelle's Water and Wastewater Project. "SAFETY" is always the number one priority at Woodard & Curran and as of May 31<sup>st</sup>, W&C staff have worked a total of 1339 days without lost time or recordable incident. In May, all the required monthly safety training was completed on time.

Project staff continue to reach out to new Food Service Establishments (FSE's) to ensure enrollment in the new FOG Best Management Practices (BMP) Portal site and compliance with program requirements.

- On May 2<sup>nd</sup>, W&C staff submitted the drinking water monthly operation report to the Department of Environmental portal PWS # 5250050.
- On May 2<sup>nd</sup>, W&C staff submitted the Deep Injection Well Discharge Monitoring Report to the Department of Environmental Protection for UIC Permit # 329487-004-UO/1X.
- On May 2<sup>nd</sup>, W&C staff submitted the Fluoride drinking water monthly operation report to the Health Department Portal in Tallahassee FL PWS # 5260050.
- On May 7<sup>th</sup>, The Consumer Confidence Report approved by the Department of Environmental Protection submitted to the city to be published on the website under water reports and a direct link published on the water bills for 3 months.
- On May 14<sup>th</sup>, W&C and city staff meeting preliminary for the Shady Oaks development.
- On May 20<sup>th</sup>, W&C engineering internal process and O&M check in.
- On May 21<sup>st</sup>, W&C engineering water plant alternate source power back up pumps.
- On May 22<sup>nd</sup>, Maintenance was completed for the Missouri/ Washington lift station generator (budget).
- On May 30<sup>th</sup>, Status report Labelle WWTP CMAR design. CMAR RFQ is pending review from FDEP. This is a high priority item and must be expedited to limit the impact to project schedule. W&C Fiscal Team is connecting with FDEP to expedite review.

- 
- On May 31<sup>st</sup>, LaBelle has exported 1.483 million gallons of drinking water to Hendry County Utilities.



## **1. ADMINISTRATIVE**

### **1.1 Woodard & Curran Regional Office**

Woodard & Curran's local office location:  
1511 N Westshore Blvd.  
Tampa, FL 33607

### **1.2 Meetings**

W&C project staff meet at the Water Plant every morning to discuss and plan the operational events of the day and discuss a daily tailgate safety topic.

- On May 1<sup>st</sup>, W&C engineering O&M meeting with City staff
- On May 6<sup>th</sup>, W&C engineering, reoccurring bi-weekly process/O&M check in for LaBelle WWTF project, Krista Forti.
- On May 6<sup>th</sup>, W&C Scada meeting
- On May 14<sup>th</sup>, W&C and city staff meeting preliminary for the Shady Oaks development.
- On May 15<sup>th</sup>, W&C Engineering meeting with City staff engineering and O&M.
- On May 21<sup>st</sup>, LaBelle Membrane WTF propane powered backup pumps.
- On May 28<sup>th</sup>, Resiliency Coordination Forum, South Florida Water Management District.
- May 29<sup>th</sup>, W&C Company Quarterly.

### **1.3 Vendors**

W&C continues to reach out to potential project vendors to continue the Independent Contractor Agreement (ICA) and Purchase Order (PO) process. As invoices are received from the city, W&C starts the application process to create POs for each vendor. In November, the following vendors were added to a W&C PO and/or (ICA) Independent Contractor Agreement.

- PSI Technologies, Jeremy Fisher, 239-645-2698  
3520 Investment Lane Unit 33 Riviera Beach FL 33404
- Calusa Environmental, Trina Moore, 863-465-7155  
PO Box 1347 LaBelle, FL 33975
- Miller Septic North Environmental Inc. Lydia Billips 386-673-5550

19420 Doris Ln North Fort Myers, FL 33917

- Restoration & Protective Solutions LLC. Peter Giustina II 941-575-1255  
12705 Tamiami Trail Punta Gorda, FL 33955
- Advanced Lift station services, Brett 239-292-6406, 1-888-993-5438  
1871 Pine Ave Alva FL 33920
- Pittsburg Tank & Tower Group Maintenance Division, Dennis Paquet  
[dpaquet@pttg.com](mailto:dpaquet@pttg.com) P: 270-826-9000 Ext: 4604 | F: 270-215-5713 PO Box 1849  
Henderson, KY 42419
- CEC Controls Mark Bilbrey [MBilbrey@cecontrols.com](mailto:MBilbrey@cecontrols.com) (Cell 615-207-2409)  
5306 4<sup>th</sup> Ave. Cir. E. Bradenton FL 34208
- DM Integration Solutions, LLC Emily Dunn [edunn@dmintegrationsolutions.com](mailto:edunn@dmintegrationsolutions.com)  
(Cell 207-899-5814) 10716 Bridegate Heights Loop San Antonio, FL 33576
- Porterfield Oil Company Inc. 863-675-0565 1397 SR 29 South LaBelle FL 33935

## 2. SAFETY

### 2.1 Monthly Safety Training

Woodard & Curran provides monthly safety training to all employees. Upon being hired, all new LaBelle employees receive an extensive array of health & safety training topics to get them fully up to speed on health and safety requirements. The safety topic for April was "Review the emergency action plan". Additionally, Woodard & Curran staff members hold regular safety meetings. A brief general safety topic will be discussed as well as any unusual conditions existing at the plants and any additional safety concerns that should be considered given those conditions.



Woodard & Curran worked 1369 days without lost time or recordable incident as of May 31<sup>st</sup>, 2025.

All Woodard & Curran personnel assigned to the LaBelle project are participating in the (SPARKS) program. Employees who stay current on their monthly safety training, participate in monthly safety meetings, and who do not incur lost time from a work-related accident, are eligible to receive a SPARKS bonus at the end of the year. This bonus begins at \$200.00 and can reach \$500.00 based on five successive years of meeting SPARKS' goals.

Monthly Safety training completed by W&C staff in May consisted of:

- W&C Health & Safety Daily Orientation (Tailgate).
- On May 1<sup>st</sup>, W&C staff participated in a spark's safety meeting on "Eye Safety".
- W&C staff individually participated in the Pure Safety program in May and the safety stand down "Leg Injury and infection", report all injuries no matter how small.
- On May 2<sup>nd</sup>, Learn share heat stress awareness.

Additional Health & Safety Support Included:

Project	Action Item	Action	Status
La Belle	La Belle: Complete Bloodborne Pathogen Survey	Closed	●
La Belle	La Belle: Conduct Evacuation Drill	Closed	●
La Belle	La Belle: Confined Space & Fall Protection Equipment Inspection by Competent Person	Closed	●
La Belle	La Belle: Evaluate Hearing Protector Attenuation	Closed	●
La Belle	La Belle: Inspect and Replenish First Aid Kits	Closed	●
La Belle	La Belle: LOTO Authorized and Affected Employees List	Closed	●
La Belle	La Belle: LOTO Inventory and Grouping	Closed	●
La Belle	La Belle: Perform Non-Entry CSE Rescue Practice	Closed	●
La Belle	La Belle: Review & Update Emergency Action Plan	Closed	●
La Belle	La Belle: Review and Validate Bulk Chemical Delivery Procedures	Closed	●
La Belle	La Belle: Review and Validate Project JSA	Closed	●
La Belle	La Belle: Review Confined Space Inventory	Closed	●
La Belle	La Belle: Review Injury/Illness Reporting Requirements	Closed	●
La Belle	La Belle: Review Lockout Tagout procedures	Closed	●
La Belle	La Belle: Review O&M 40 Pound Lifting Limit	Closed	●
La Belle	La Belle: Review Pandemic Influenza Response Plan	Closed	●
La Belle	La Belle: Review Personal Protective Equipment Hazard Assessment	Closed	●
La Belle	La Belle: Update Chemical Inventory	Closed	●
La Belle	La Belle: Submit & Review Confined Space Permits	Assigned	○
La Belle	La Belle: Submit & Review Electrical Safety Checklists	Assigned	○
La Belle	La Belle: Submit & Review Working at Heights Permits	Assigned	○
<b>Total</b>			<b>86 %</b>

- In May the LaBelle team completed 86% of its annual safety tasks.
- With the assistance of W&C's Health & Safety Team, the creation of a Job Safety Analysis (JSA's) for the LaBelle project was completed and is in the LaBelle team's folder, for all employees to access.
- In May, there were no "Loss Time" accidents reported at the water or wastewater plant.
- In May, there were no "Loss Time" accidents reported at any of the 24 wastewater lift stations.

## 2.2 Safety Audit Update

"SAFETY" is always the number one priority at W&C. On October 13<sup>th</sup>, 2020, and September 11<sup>th</sup>, 2021, a safety audit was performed at the City of LaBelle's water utilities which recorded 112 findings that yielded a total of 219 action items to be corrected. W&C's goal is to correct all action items in a timely manner, except items that require funding from Capital.

As of May 31<sup>st</sup>, a total of 219 of the 219 items action items have been completed, currently at 100% completion.

### **3. SEWER USE ORDINANCE, FATS, OIL AND GREASE PROGRAM (FOG)**

#### **3.1 FOG Program Updates for May**

- In May, project staff worked onsite with waste haulers at different FSE's to ensure that grease traps are being pumped to satisfy Best Management Practices (BMP's) and maintain compliance with the City's FOG ordinance requirements.
- W&C staff continues to work with numerous Waste Hauler's on manifest interpretation and submittal of forms to the FOG BMP portal site.
- Woodard & Curran staff created an Excel spreadsheet for the city billing office staff and dept. heads to implement/track proper FSE (account) billing.
- Woodard & Curran staff worked with two new FSE's this month ensuring proper grease traps were installed and FOG application were submitted & FOG portal site was updated.
- Woodard & Curran staff have been working with all FSE's in the City to reduce & help ensure proper treatment & removal FOG from the City's infrastructure.

66 Total FSE's

2 new FSE's in process

1 FSE is currently out of compliance

#### **3.2 Environmental Compliance Activity**

Woodard & Curran strive for 100% compliance at both treatment plants. Below is a summary of the compliance activity for the month of May.

- On May 2<sup>nd</sup>, W&C staff submitted the drinking water monthly operation report to the Department of Environmental portal PWS # 5250050.
- On May 2<sup>nd</sup>, W&C staff submitted the Deep Injection Well Discharge Monitoring Report to the Department of Environmental Protection for UIC Permit # 329487-004-UO/1X.
- On May 2<sup>nd</sup>, W&C staff submitted the Fluoride drinking water monthly operation report to the Health Department Portal in Tallahassee FL PWS # 5260050.
- On May 5<sup>th</sup>, Woodard & Curran (W&C) staff performed weekly generator tests on both water and wastewater plants including both drinking water wells mandatory for compliance 62-555.320(4)(a) FAC.

- On May 6<sup>th</sup>, W&C staff collected wastewater composite and fecal samples for Sanders Laboratories for the Department of Environmental Protection Permit # FLA014283-007 sent to Sanders Environmental Laboratories for analysis.
- On May 6<sup>th</sup>, W&C staff collected the 1<sup>st</sup> set of drinking water bacteriological samples, raw water bacteriological samples for 62-555 FAC, and sent them to Sanders Laboratories for analysis.
- On May 7<sup>th</sup>, The Consumer Confidence Report approved by the Department of Environmental Protection submitted to the city to be published on the website under water reports.
- On May 8<sup>th</sup>, W&C staff met with Sanders Environmental Laboratories onsite to pull monthly samples on both the upper and lower monitor wells, and the deep injection well samples at the drinking water plant for permit # 98493 329487-004. These are monthly compliance sampling requirements. These samples are coordinated with Sanders Labs on the first Tuesday or Thursday of the first full week of each month.
- On May 12<sup>th</sup>, Woodard & Curran (W&C) staff performed weekly generator tests on both water and wastewater plants including both drinking water wells mandatory for compliance 62-555.320(4)(a) FAC.
- On May 13<sup>th</sup>, W&C staff collected wastewater composite and fecal samples for Sanders Laboratories for the Department of Environmental Protection Permit # FLA014283-007 sent to Sanders Environmental Laboratories for analysis.
- On May 13<sup>th</sup>, W&C staff collected the 2<sup>nd</sup> set of drinking water bacteriological samples, and the split-fluoride samples for 62-555 FAC, and sent them to Sanders Laboratories for analysis.
- On May 19<sup>th</sup>, Woodard & Curran (W&C) staff performed weekly generator tests on both water and wastewater plants including both drinking water wells mandatory for compliance 62-555.320(4)(a) FAC.
- On May 20<sup>th</sup>, W&C staff collected wastewater composite and fecal samples for Sanders Laboratories for the Department of Environmental Protection Permit # FLA014283-007 sent to Sanders Environmental Laboratories for analysis.
- On May 20<sup>th</sup>, W&C staff submitted the Discharge Monitoring Report for wastewater to the Department of Environmental Protection portal for Permit # FLA014283-007. The annual average for total suspended solids is above compliance. Influent chemical biological oxygen demand is high, into industrial waste levels for the second and third weeks.

- On May 22<sup>nd</sup>, Maintenance was completed for the Missouri/ Washington lift station generator (budget).
- On April 26<sup>th</sup>, Woodard & Curran (W&C) staff performed weekly generator tests on both water and wastewater plants including both drinking water wells mandatory for compliance 62-555.320(4)(a) FAC.
- On May 27<sup>th</sup>, W&C staff collected wastewater composite and fecal samples for Sanders Laboratories for the Department of Environmental Protection Permit # FLA014283-007 sent to Sanders Environmental Laboratories for analysis.
- On May 28<sup>th</sup>, Resiliency Coordination Forum, South Florida Water Management District, Consumption Use Permit.
- On May 29<sup>th</sup>, W&C Company Quarterly meeting.
- On May 31<sup>st</sup>, LaBelle has exported 1.483 million gallons of drinking water to Hendry County Utilities.

### **3.3 Upcoming Compliance Events**

- City distribution valve exercising program (RCM Utilities completed the first week of field work pertaining to the water main isolation valve locating and exercising program.)
- South Florida Water Management District proper abandonment of the surficial wells north water plant, and permit capacity for drinking water plant. Resiliency Coordination Forum future drinking water plant expansion.
- Maintenance program for the Old FL R.V. Park lift station generator (budget).
- May and November, SERCAP hosts a CEU class for certified operator's new cycle.
- PFAS the forever chemicals, quarterly testing will be performed in 2026 on 6 PFAS variations.



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## 4. CONSTRUCTION PROJECTS

### 4.1 Construction

- Construction continues at Bel Arbor. The city staff administration has assumed the duties with new construction sewer inspections.
- Construction continues at Old Florida RV Park.
- Construction continues at Pulte Homes, Calusa Cove. Lift station became active in April, 2025.

## 5. PLANT OPERATIONS

### 5.1 Wastewater Treatment

In April, WWTP had another successful month of operation. In accordance with the FDEP permit, W&C staff collected various compliance samples throughout the month.

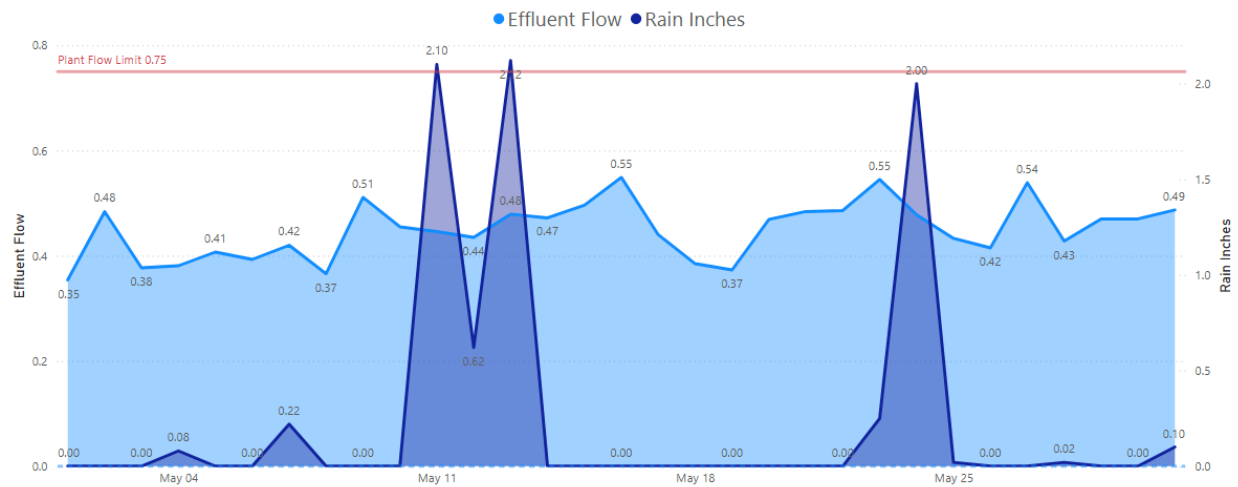
Summarized in table 6-1 are the total flows for the influent and effluent as well as key permit constituents. The flows are displayed in Million Gallons per Day (MGD) Table 6-1 below, displays a one year rolling average.

**Table 6-1: WWTP Flows and Loads**

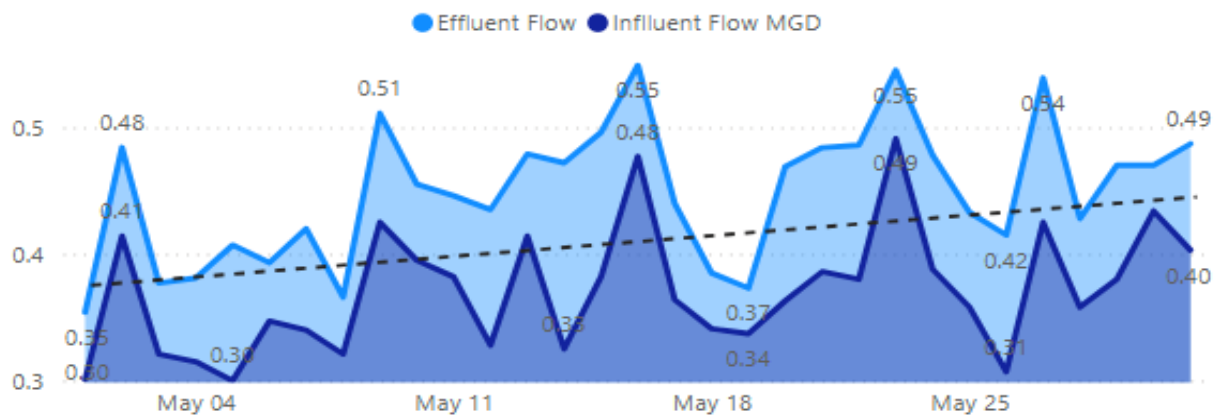
<b>WWTP Flows and Loads</b>							
Month	Influent Flow MGD	Influent BOD mg/L	Influent TSS mg/L	Effluent Flow MGD	Effluent BOD mg/L	Effluent TSS mg/L	Total Biosolids Transferred Dry Ton
Jun 2024	0.584	377	119	0.577	6.00	5.63	9.19
Jul 2024	0.641	171	116	0.667	6.20	9.72	*
Aug 2024	0.596	357	145	0.633	5.50	10.83	*
Sep 2024	0.565	254	112	0.629	6.75	6.83	9.66
Oct 2024	0.567	358	141	0.650	5.25	8.85	*
Nov 2024	0.489	303	145	0.556	6.75	7.33	*
Dec 2024	0.487	255	152	0.570	5.00	20.40	*
Jan 2025	0.429	308	197	0.497	2.00	18.98	*
Feb 2025	0.428	459	255	0.493	7.00	26.58	*
Mar 2025	0.411	435	177	0.482	8.00	26.24	*
Apr 2025	0.364	368	183	0.436	7.75	18.98	20.87
May 2025	0.371	229	158	0.449	9.33	22.80	*
Minimum	0.364	171	112	0.436	2.00	5.63	0.00
Maximum	0.641	459	255	0.667	9.33	26.58	20.87
Total	5.934	3,874	1,899	6.639	75.53	183.14	39.72
Average	0.494	322.83	158	0.553	6.29	15.26	3.31

**Asterisk (\*) denotes no sludge processed during these months.**

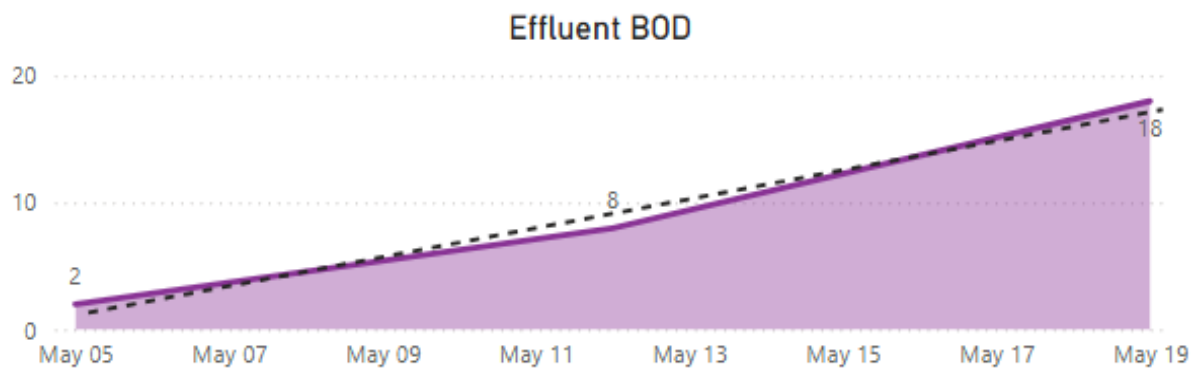
**Figure 6-1: Effluent Flow vs Rainfall in Inches**



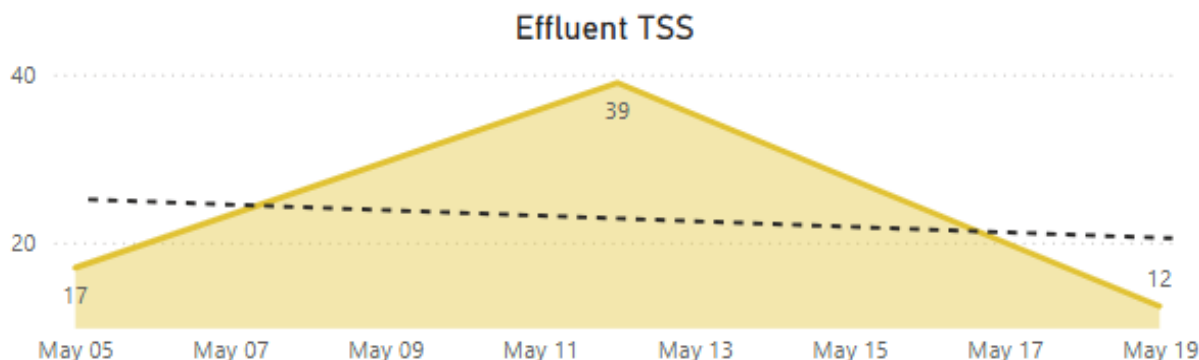
**Figure 6-2: Effluent Flow vs Influent Flow (MGD)**



**Figure 6-3: Effluent Biochemical Oxygen Demand (BOD)**



**Figure 6-4: Effluent Total Suspended Solids (TSS)**



\*This graph is awaiting laboratory data from the Laboratory.

## 5.2 Chemicals Delivered Wastewater Plant

- On May 13<sup>th</sup>, Hawkins Chemical delivered 769 gallons of Sodium Hypochlorite to the waste plant for disinfection.

## 5.3 Biosolids

- In May, no biosolids were processed.

**Table 6-2: Biosolids**

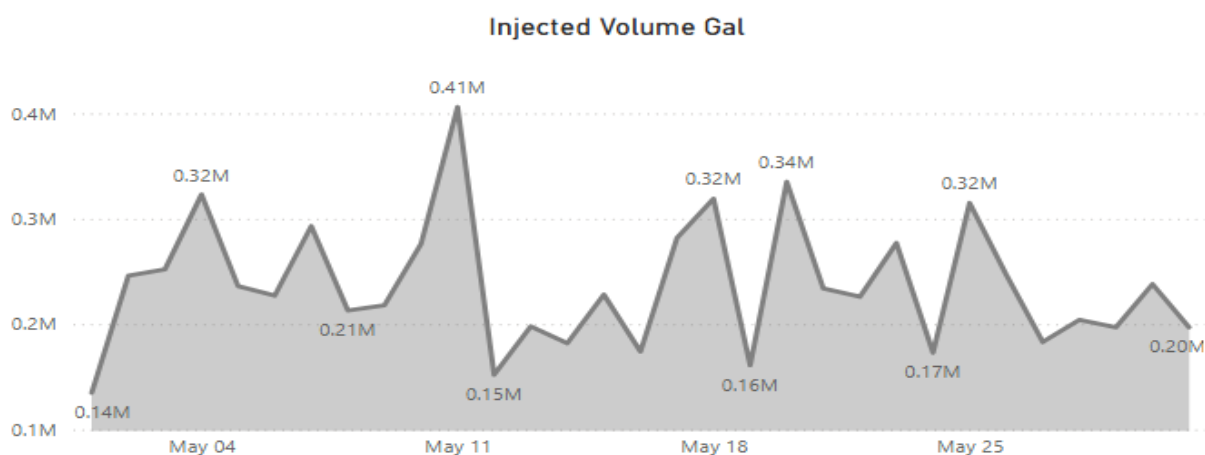
<b>Wastewater Biosolids</b>			
Month	Liquid Sludge Hauled	Liquid Sludge Hauled	Total Biosolids Transferred
May	Gal	Dry Ton	Dry Ton
	0	0	0

## 5.4 Water Treatment

Below is a table representing the average MGD of water pumped from the groundwater supply wells and finished treated water leaving the plant. The water loss data derives from the delta between the total treated water leaving the plant and the metered customer usage and is represented in the percentage of water loss. The table represents a 12-month rolling average of the data.

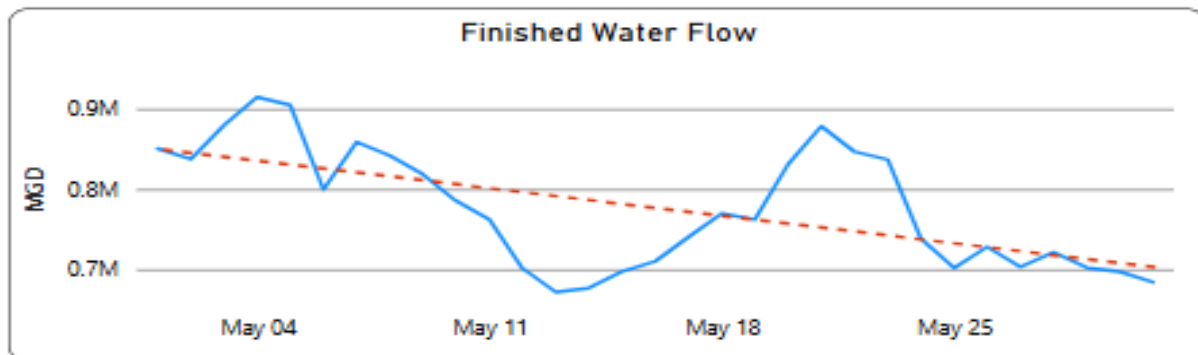
**Table 6-3: City of LaBelle Water Production and Distribution**

Month	Well 102 Total Flow MGD	Well 103 Total Flow MGD	Total Volume Withdrawn MGD	Finished Water Treated MGD	Total Injection Well Volume MG	Line 11 Water Loss %
Jun 2024	0.625	0.275	0.900	0.738	0.212	11.77
Jul 2024	0.574	0.295	0.870	0.716	0.202	30.46
Aug 2024	0.367	0.597	0.964	0.774	0.223	20.16
Sep 2024	0.462	0.446	0.908	0.738	0.208	26.05
Oct 2024	0.373	0.533	0.906	0.730	0.218	23.53
Nov 2024	0.215	0.748	0.963	0.781	0.223	18.39
Dec 2024	0.245	0.754	0.999	0.802	0.233	10.68
Jan 2025	0.232	0.674	0.905	0.728	0.209	13.94
Feb 2025	0.610	0.379	0.976	0.795	0.234	-1.23
Mar 2025	0.788	0.175	0.963	0.792	0.233	31.84
Apr 2025	0.861	0.281	1.113	0.905	0.275	38.36
May 2025	0.547	0.446	0.994	0.776	0.237	N/A
Minimum	0.215	0.175	0.870	0.716	0.202	-1.23
Maximum	0.861	0.754	1.113	0.905	0.275	N/A
Total	5.900	5.604	11.461	9.276	2.708	323.94
Average	0.492	0.467	0.955	0.773	0.226	27.00

**Figure 6-5: Deep Injection Well Volume**

\* Instrumentation for the chart above was under maintenance in the month of May preventing data accumulation.

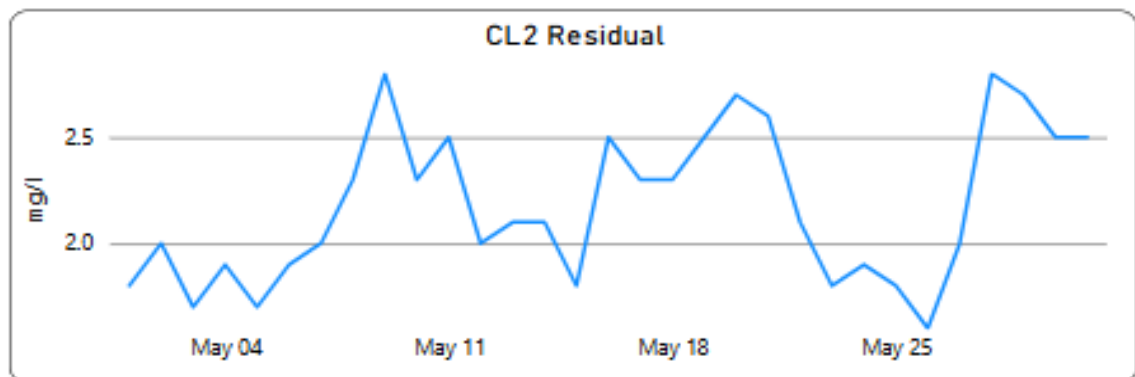
**Figure 6-6: Finished Water Flow**



**Figure 6-7: Finished Water Chlorine Residual**

## 5.5 Chemicals Delivered to the Water Treatment Plant

- On May 8<sup>th</sup>, Brenntag Chemical delivered 725 gallons of Sodium hypochlorite to the drinking water plant.
- On May 30<sup>th</sup>, Air Gas delivered 23,980 lbs Carbon Dioxide to the drinking water plant.



## 6. CORRECTIVE AND PREVENTATIVE WORK ORDERS

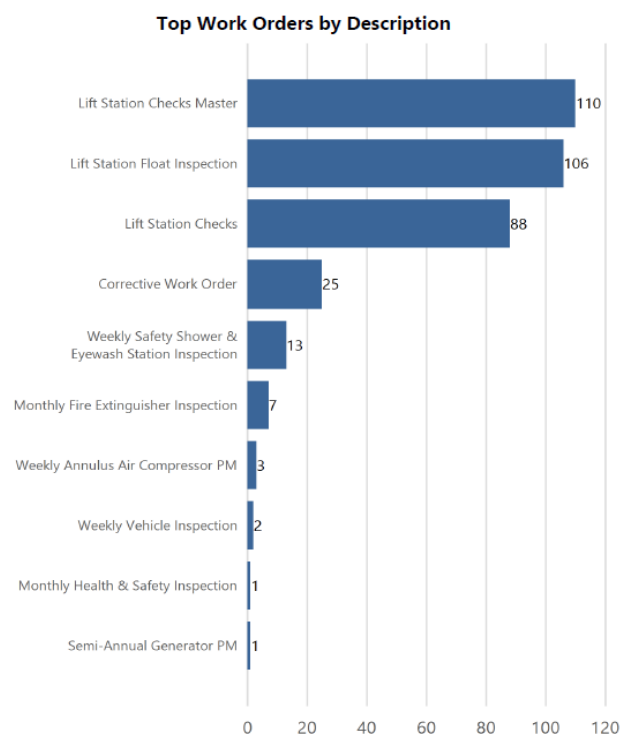
**Figure 7-1 Corrective and Preventative Work Order History Report**



### Maintenance History Report Labelle, Florida

Report Start: 5/1/2025  
Report End: 5/30/2025

Work Orders by Type	Total
Corrective Maintenance	237
Preventative Maintenance	96
Inspections	23
<b>Total</b>	<b>356</b>



### 16.1 Corrective Maintenance Work Orders

- On May 1<sup>st</sup>, K&B pump installed a rebuilt pump 2 at the Wal Mart lift station. Pump #1 sent off for rebuild. Pumps were damaged from excessive grease, rags and trash. Spare pump was ordered for this station being these are an odd size pump and lead time are long.
- On May 5<sup>th</sup>, W&C flushed the Dual Zone Monitoring Wells for monthly sampling.
- On May 6<sup>th</sup>, W&C received one pair of electrical gloves back from certification, send a second pair out for inspection and certification on the 27<sup>th</sup> of May.





- On May 12<sup>th</sup>, Thompkins construction on site at the waste plant, preparations for surge tank install.
- On May 14<sup>th</sup>, Severen Trent Environmental land clearing for surge tank.
- On May 16<sup>th</sup>, Severen Trent Environmental parts arriving for the surge tank.
- On May 18<sup>th</sup>, Bleach room breakers continuous tripping at the waste plant. Rainwater has accumulated in the underground conduits and the wiring is shorting out. K & B pump ran temporary alternate wiring, power to the whole building.
- On May 22<sup>nd</sup>, the bench top pH meter failed at the waste plant. A new one was ordered through USA Bluebook.
- On May 23<sup>rd</sup>, the bladder tank at the waste plant failed and started leaking. K&B pump came out and installed a new tank.
- On May 27<sup>th</sup>, City staff repaired a service line at 339 Bridge St.
- On May 27<sup>th</sup>, City staff repaired a service line at 230 Cottage Ave.
- May 27<sup>th</sup>, Emily Dunn on site electronic technician for SCADA. Replaced a battery back up on the lime system. Configured an alarm for the lime system, low pH for when the power fails, and breakers trip.
- On May 28<sup>th</sup>, Porterfield fuel filled generators at the drinking water plant -1000 gals, well #2 -166 gals, well #3 -160 gals, the wastewater plant -268 gals, and the lift station at Missouri St and Washington St. -180 gals.
- On May 28<sup>th</sup>, W&C staff performed generator inspections at both plants and the supply wells.

**Table 8-2: Project Financials for May (Year 4) Tabel 8-2**

Budget Category	Month Actual	Month Budget	YTD Actual	YTD Budget	Annual Budget	over (under)	% of budget
Labor (D.L. + FB)	\$40,700	\$56,997	\$380,385	\$455,975	\$683,963	(\$75,590)	56%
Utilities	\$885	\$925	\$5,166	\$7,400	\$11,100	(\$2,234)	47%
Chemicals Costs	\$9,688	\$19,950	\$102,384	\$159,600	\$239,400	(\$57,216)	43%
Maintenance and Repair Costs	\$9,973	\$12,354	\$136,932	\$98,833	\$148,250	\$38,099	92%
Sludge Disposal Costs	\$0	\$7,500	\$30,515	\$60,000	\$90,000	(\$29,485)	34%
Lab Supplies & Equipment	\$5,096	\$5,750	\$47,528	\$46,000	\$69,000	\$1,528	69%
Office Supplies	\$111	\$283	\$2,103	\$2,267	\$3,400	(\$164)	62%
Miscellaneous Expenses	\$9,724	\$5,764	\$67,793	\$46,113	\$69,170	\$21,680	98%
Overhead (G&A of D.L.)	\$10,853	\$15,199	\$101,436	\$121,593	\$182,390	(\$20,157)	56%
<b>Subtotal of Costs for Contract Year</b>	<b>\$87,030</b>	<b>\$124,723</b>	<b>\$874,242</b>	<b>\$997,782</b>	<b>\$1,496,673</b>	<b>(\$123,540)</b>	<b>58%</b>
Fixed Fee for Contract Year 2	\$6,962	\$9,978	\$69,939	\$79,823	\$119,734	(\$9,883)	58%
<b>Total</b>	<b>\$93,992</b>	<b>\$134,701</b>	<b>\$944,181</b>	<b>\$1,077,605</b>	<b>\$1,616,407</b>	<b>(\$133,423)</b>	<b>58%</b>

Table 8-2 highlights the financial status of the O&M Budget for the month of May.

**Table 8-3: Transition Budget Status**

Total Budget	\$537,032.00
Total Spent as of February 2025	\$437,448
8% Fee	\$34,996
Total	\$472,444
<b>Remaining Balance</b>	<b>\$63,588</b>

Table 8-3 highlights the status of the project transition budget. This budget was created for transitional expenses related to onboarding, implementation of W&C software and programs and the much-needed safety item improvements at the project. The transition budget also funds needed capital items identified at project inception that relate to compliance, operational resiliency, and sustainable delivery of services. Specifically, this work included the purchase, programming, and installation of 6 new Programmable Logic Controllers (PLC's). One at the WWTP and five at the Water Treatment Plant. These items were identified as being key pieces of equipment and due to age, are unsupported by

the manufacturer. The old programs were copied from the existing PLC's and have been reprogrammed and installed in the new units.

In June, City staff requested that W&C purchase a used tractor on behalf of the City of LaBelle Public Works Department. The transaction was \$44,753 and was deducted from the transition budget in July.

In September, the Arc Flash Analysis was completed at the Water Treatment Plant. The remaining balance of the transition fund is \$63,588. **W&C staff will work with city staff to determine how this balance is to be distributed.**

## 7. STAFFING

### 7.1 Staffing – Corporate Support

**Table 9-1: Corporate Support**

Name	Title	Support Provided
Alyson Watson	CEO	Management Support
Brian Bzdawka	Senior Vice President O&M Business Center Manager	Management Support
Marc Thomas	National Operations Leader	Management Support
Paul Roux	East Region Operations Leader	Management Support
Glenn Burden	Area Manager	Management Support
Shannon Eyler	Director of Health & Safety	Health & Safety
Steve Lindeman	Health and Safety Manager	Health & Safety
Renea Shields	Health and Safety Coordinator	Health & Safety
Emily Dunn	SCADA Technician	SCADA and Technical Services
Alan Fabiano	IT Coordinator	SEMS (Computerized Maintenance Management System), HACH WIMS (Laboratory Information Management System), Tablets & Technology
Jeannie Dubois	MIS Support Specialist	Computer and Network set-up and support
Celina Bland	O&M Specialist	Hach WIMs, Utility Cloud and Power BI programming and support
Jackie Smith	Senior Project Assistant	Project Support Specialist
Sarah Coen	Human Resources – Benefits Administrator	Employee Benefits
Linsay McAuliffe	Human Resources Generalist	Human Resources
Beth Sweitzer	Senior Talent Management & Acquisition Manager	Human Resources
Lizzie Dovich	Technical Recruiter	Human Resources
Wendy Foreman	Health & Safety Administrator	Health & Safety Support
Sam Stanley	O&M Specialist	O&M Project Support
Justin DeMello	Project Manager II	Engineering Support
Tami Ray	Funding Specialist	Engineering Support
Troy Kepley	Operations Specialist	Operations and Management

## 7.2 Staffing – Project Support

**Table 9-2: Project Staff, Title and Certifications**

Name	Title	Certification
Juan Cardenas	Project Manager	<ul style="list-style-type: none"> <li>FDEP C Wastewater</li> <li>FDEP C Water</li> </ul>
Joseph Thomas	Assistant Project Manager	<ul style="list-style-type: none"> <li>FDEP B Water</li> <li>FDEP C Wastewater</li> <li>SEDA RO Specialist</li> </ul>
Salvador Mora	Operator I	<ul style="list-style-type: none"> <li>FDEP C Water</li> <li>TREEO/AWWA Backflow Tester/Repair Certification</li> </ul>
Doug Denning	Operator I	<ul style="list-style-type: none"> <li>FDEP C Wastewater</li> </ul>
Dennis Ortega	Operator II	<ul style="list-style-type: none"> <li>FDEP C Wastewater</li> <li>FDEP A Water</li> </ul>
TBD	Lift Station Trainee/IPP/FOG	



**City of LaBelle Board of Commissioners  
Agenda Request**

**To:** Honorable Mayor and City Commission  
**Prepared By:** Derek Rooney, City Attorney  
**Date of Meeting:** June 12, 2025  
**Date Submitted:** June 2, 2025  
**Title of Agenda Item:** Code Enforcement Settlement – LaBelle Rentals  
**Agenda Location:** Consent

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**Report in brief:**

The City has initiated code enforcement proceedings relating to alleged violations of the City's single-family zoning district use defining and prohibiting the cohabitation of more than five persons unrelated by blood, adoption, or marriage living together as a single housekeeping unit. A proposed settlement has been reached with LaBelle Rentals, Inc. limiting use of properties to the appropriate use and providing for inspections and other limitations to ensure compliance.

**Staff Comments:**

Code enforcement staff and the City Attorney are in agreement on this proposed settlement.

**Fiscal Impact:**

None.

**Recommended Actions:**

Recommend approval.

## CODE ENFORCEMENT SETTLEMENT AGREEMENT

THIS AGREEMENT is entered into on June \_\_\_, 2025, by and between the City of LaBelle, whose address is 481 W Hickpochee Ave, LaBelle, FL 33935 (City), and LaBelle Rentals, Inc., whose address is 3289 State Road 29 South, LaBelle, FL, 33935 (Owner):

WHEREAS, the Owner is the owner of record of the Property located at 331 Belmont Street, LaBelle, which developed as a residential duplex in 1971; and

WHEREAS, a “duplex” defined by the City of LaBelle as “a residential building designed for or occupied by two (2) families, with the number of families in residence not exceeding the number of dwelling units” thereon; and,

WHEREAS, the duplex on the Property has two dwelling units, each of which has three bedrooms and one bathroom; and

WHEREAS, the City of LaBelle Code Section 2-4 limits the occupancy of a dwelling to use by a “family” which the City of LaBelle Code defines as “A number of persons not exceeding five (5) living together as a single housekeeping unit, though not related by blood, adoption or marriage, shall also be deemed to constitute a family”; and,

WHEREAS, whereas the Property is zoned R-1A and is located with the City’s Residential Neighborhood Urban zone which permits duplexes, pursuant to Section 4-63.3, and uses as its definitions those set forth in 2-4 of the Code pursuant to Section 4-63.2; and

WHEREAS, the City has issued a Notice of Violation (NOV) identified as Case No. V2500065 to Owner for the Property identified herein for uses exceeding the limits of occupancy for such dwelling units as set forth in the City of LaBelle Code applicable thereto; and

WHEREAS, the City issued the NOV for the Property to induce the Owner to bring the use of the duplex thereon into compliance with the adopted City of LaBelle Code provisions regulating the occupancy of duplex dwellings; and,



WHEREAS, the City and the Owner, with the advice of counsel, are desirous of settling all alleged violations of code against the Property by entering into this Agreement.

NOW THEREFORE, in consideration of the mutual conditions, the Parties agree as follows:

1. The foregoing recitals are incorporated as if fully set forth herein.
2. The City shall cancel the scheduled hearing on the NOV for the Property but shall retain jurisdiction over the alleged violations set forth in the NOV until the terms and conditions of this Agreement are satisfied as set forth herein. Upon completion of the inspection verifying compliance with the Agreement, the City shall dismiss the case.
3. Within 20 days of the execution of this Agreement as set forth above, Owner shall limit the occupancy of each dwelling unit of the duplex on the Property to no more than five persons which complies with the requirements of the City of LaBelle Code for a family by limiting the number of bed spaces within each individual dwelling unit of the duplex to five.
4. Compliance with this Agreement shall be determined by counting the number of bed spaces in each dwelling unit of the duplex. A single bed shall count as accommodating one person and beds larger than a single bed shall be counted as accommodating two persons.
5. Within 30 days of the execution of this Agreement, the Owner shall schedule an inspection to verify Owner's compliance with this Agreement with City whose email is [zmungillo@citylabelle.com](mailto:zmungillo@citylabelle.com).
6. Upon verification of Owner's compliance with the Agreement by the City of LaBelle Code Enforcement staff, the City will dismiss the above-mentioned Code Enforcement Case within twenty days of the inspection for the Property identified herein.
7. A copy of this settlement agreement shall be filed in the case identified above together with the dismissal of the case.
8. In the event that Owner defaults on the Property identified herein, the City shall have the right to avail itself of each and every remedy existing at law or in equity, and each and every such remedy shall be in addition to every other remedy specifically given or otherwise existing and may be exercised from time to time and as often and in such order as may be deemed expedient by the City.

9. Time is of the essence of all obligations created by this Agreement.
10. The City's rights and remedies as set forth in this Agreement are not exclusive and are in addition to any other rights and remedies available to the City in law or in equity.
11. No alteration, change, or modification of the terms of this Agreement shall be valid unless made in writing, signed by all parties.
12. This Agreement shall be governed by and construed according to the laws of the State of Florida, and venue shall be in Hendry City, Florida.
13. This Agreement embodies the entire agreement and understanding between the parties, and there are no other agreements and understandings, oral or written, with reference to this subject matter that are not merged and superseded herein.
14. All notices, demands or other communications given under this Agreement shall be in writing and shall be hand delivered, mailed by Certified U.S. Mail return receipt requested, or sent by overnight delivery through a recognized national delivery service to the parties at the following addresses:

To: Owner:  
LaBelle Rentals, Inc.  
c/o Jaime Rodriquez  
3289 State Road 29 South  
LaBelle, FL, 33935  
Phone: (863) 215-4194  
Email: rpena@rodcitrus.com

With a copy to:  
Katherine R. English, Esq.  
1833 Hendry Street  
Fort Myers FL 33901  
Phone: (239) 336-6249  
Email: kre@paveselaw.com

To City:  
City of LaBelle  
481 W. Hickpochee.  
LaBelle, FL 33935  
Phone: (863) 675-2872  
Email: tiawarner@citylabelle.com

With a copy to:  
City of LaBelle Attorney  
Derek Rooney, Esq.  
1404 Dean Street, Suite 300  
Fort Myers, FL 33901  
Phone: (239) 340-7979  
E-mail derek.rooney@gray-robinson.com

Either party may, by written notice to the other sent in accordance herewith, change an address for notice.

IN WITNESS WHEREOF, the parties by their duly authorized officials have caused this Agreement to be executed effective the date first stated above.

CITY OF LABELLE

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LABELLE RENTALS, INC.

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Jaime Rodriguez, as President



## City of LaBelle Board of Commissioners Agenda Request

**To:** Honorable Mayor and City Commission

**Prepared By:** Lilly Davenport

**Date of Meeting:** June 12, 2025

**Date Submitted:** May 29, 2025

**Title of Agenda Item:** Funding for Capital Improvements

**Agenda Location:** (Refer to Mayor)

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**Report in brief:** Capital improvement expenditures in the Utility funds exceeded available reserves due to delays in grant reimbursements, among other things. These negative balances limit cash available for operations. A cash transfer from the General Fund is recommended to provide needed funding and operating cash.

**Staff Comments:**

- Most cash accounts are “pooled” into a single bank account. Cash balances are segregated into different general ledger accounts to differentiate between cash available for operations, and cash reserved for debt service and capital outlay. Utility reserves for capital improvements are (\$902k).
- The City received ARPA grant funding that is currently held as deferred revenue (a liability) pending completion and payment of committed projects. The General Fund is holding \$1.3M in ARPA funds that are earmarked for projects in the Utility funds and are available for transfer.
- Delays in grant reimbursements have caused Capital Outlay reserve general ledger accounts in the Utility funds to have negative balances. It has also resulted in the Water utility to be out of compliance with USDA water loan covenant requiring a \$500,000 reserve for short-lived assets (Renew & Replacement reserve).
- The City is contracting with Wheeler Properties and Town Grove for Utility easement valued at \$65,000. Providing ARPA funds to capital reserve accounts will better enable the Utility to fund this investment.
- Cash balances for debt service are less than the amount needed for the loan payments due this year. Providing additional cash from ARPA will provide sufficient relief to reallocate cash from operating to debt service.

**Fiscal Impact:** There is no net impact to the City for the transfer of ARPA funds. The impact on the General Fund will be a reduction of \$1.1M cash to the benefit of the Utility funds.

**Recommended Actions:** Transfer \$1.1M (of the \$1.3M available) of ARPA cash from the General Fund pooled cash to the utility accounts as indicated on the table below.



ORDINANCE NO. 2025 - 01

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF LABELLE, FLORIDA; ESTABLISHING A MANDATORY YEAR-ROUND LANDSCAPE IRRIGATION MEASURES; PROVIDING FOR CODIFICATION, SEVERABILITY, CONFLICTS AND AN EFFECTIVE DATE.

WHEREAS, the South Florida Water Management District (“District”) has the responsibility and exclusive authority under Chapter 373, Florida Statutes, for implementation of a water shortage plan; and

WHEREAS, the District has promulgated and amended Chapter 40E-24, Florida Administrative Code (“F.A.C.”), establishing mandatory year-round irrigation conservation measures intended to provide a framework for long-term sustainability of water resources; and

WHEREAS, Rule 40E-24.001, F.A.C., seeks the cooperation and assistance of local governmentals to enforce these conservation measures through adoption of local implenting ordinances; and

WHEREAS, the City of LaBelle relies upon the model ordinance guidance and regulations issued by the District in the drafting, adopting, and implementing this Ordinance; and

WHEREAS, it is the desire of the City Commission to adopt such an Ordinance in accordance with Rule 40E-24, F.A.C.; and

WHEREAS, the City Commission of City of LaBelle finds and declares that the adoption of this Ordinance is appropriate, and in the public interest of this community.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF LABELLE, FLORIDA:

Section 1. Recitals.

Each and all of the foregoing recitals are hereby incorporated into this Ordinance as if specifically set forth herein.

Section 2. Purpose.

It is the intent and purpose of this Ordinance to protect the water resources of the City of LaBelle from the harmful effects of overutilization, especially during periods of water shortage, by assisting the District in the implementation of its landscape irrigation conservation measures, under Chapter 40E-24, F.A.C.

Section 3. Definitions.

For the purpose of this Ordinance, the following terms, phrases, words, and their derivatives shall have the meaning listed below. When not inconsistent with the context, words used in the present tense include the future, words in the plural include the singular, and words in the singular include the plural. The word "shall" is always mandatory and not merely directory.

(1) "Address" means the "house number" (a numeric or alphanumeric designation) that, together with the street name, describes the physical location of a specific property. This includes "rural route" numbers, but excludes post office box numbers. If a lot number in a mobile home park or similar community is used by the U.S. Postal Service to determine a delivery location, the lot number shall be the property's address. If a lot number in a mobile home park or similar residential community is not used by the U.S. Postal Service (e.g., the park manager sorts incoming mail delivered to the community's address), then the community's main address shall be the property's address. If a property has no address, it shall be considered "even-numbered."

(2) "Athletic Play Area" means all golf course fairways, tees, roughs, greens, and other athletic play surfaces; including, football, baseball, soccer, polo, tennis, lawn bowling fields, and rodeo, equestrian and livestock arenas.

(3) "Consumptive Use Permit" (CUP) means a permit issued pursuant to Chapter 40E-2, F.A.C., authorizing the consumptive use of water.

(4) "District" means the South Florida Water Management District, a government entity created under Chapter 373, Florida Statutes.

(5) "Even-Numbered Address" means an address ending in the number 0, 2, 4, 6 or 8; rights-of-way or other locations with no address; or the letters A-M.

(6) "Existing Landscaping" means any landscaping which has been planted in the ground for more than ninety (90) days.

(7) "Landscaping" means shrubbery, trees, lawns, sod, grass, ground covers, plants, vines, ornamental gardens, and such other flora not intended for resale, which are situated in such diverse locations as residential landscapes, recreation areas, cemeteries, public, commercial, and industrial establishments, public medians, and rights-of-way, except athletic play areas.

(8) "Landscape Irrigation" means the outside watering of shrubbery, trees, lawns, sod, grass, ground covers, plants, vines, ornamental gardens, and such other flora not intended for resale, which are planted and are situated in such diverse locations as residential landscapes, recreation areas, cemeteries, public, commercial, and industrial establishments, public medians, and rights-of-way, except athletic play areas.

(9) "Law Enforcement Officials" means designated code inspectors and code enforcement officers of the City.

(10) "Low Volume Hand Watering" means the watering of landscape by one (1) person,



1 with one (1) hose, fitted with a self-canceling or automatic shutoff nozzle.

2  
3 (11) “Low Volume Irrigation” means the use of equipment and devices specifically  
4 designed to allow the volume of water delivered to be limited to a level consistent with the water  
5 requirement of the plant being irrigated, and to allow that water to be placed with a high degree of  
6 efficiency in the root zone of the plant. The term also includes water used in mist houses and  
7 similar establishments for plant propagation. Overhead irrigation and flood irrigation are not  
8 included.

9  
10 (12) “Micro-irrigation” means the application of small quantities of water on or below  
11 the soil surface as drops or tiny streams of spray through emitter or applicators placed along a  
12 water delivery line. Micro-irrigation includes a number of methods or concepts such as bubbler,  
13 drip, trickle, mist or micro-spray, and subsurface irrigation.

14  
15 (13) “New Landscaping” means any landscaping which has been planted and  
16 established for ninety (90) days or less.

17  
18 (14) “Odd-Numbered Address” means an address ending in the number 1, 3, 5, 7 or 9;  
19 or the letters N-Z.

20  
21 (15) “Reclaimed Water” means wastewater that has received at least secondary  
22 treatment, and basic disinfection and is reused after flowing out of a wastewater treatment facility  
23 as defined by Rule 62-40.210, F.A.C.

24  
25 (16) “User” means any person, individual, firm, association, organization, partnership,  
26 business trust, corporation, company, agent, employee or other legal entity whether natural or  
27 artificial, the United States of America, and the State and all political subdivisions, regions,  
28 districts, municipalities, and public agencies thereof, which directly or indirectly takes water from  
29 the water resource, including uses from private or public utility systems, uses under water use  
30 permits issued pursuant to Chapter 40E-2, F.A.C., or uses from individual wells or pumps.

31  
32 (17) “Wasteful and unnecessary” means allowing water to be dispersed without any  
33 practical purpose to the water use; for example, excessive landscape irrigation, leaving an unat-  
34 tended hose on a driveway with water flowing, allowing water to be dispersed in a gross-ly  
35 inefficient manner, regardless of the type of water use; for example, allowing land-scape irrigation  
36 water to unnecessarily fall onto pavement, sidewalks and other impervi-ous surfaces; or allowing  
37 water flow through a broken or malfunctioning water delivery or landscape irrigation system.

38  
39 (18) “Water Resource” means any and all water on or beneath the surface of the ground,  
40 including natural or artificial water courses, lakes, ponds, or diffused surface water, and water  
41 percolating, standing, or flowing beneath the surface of the ground.

42  
43 (19) “Water Shortage” means when the District determines there is the possibility that  
44 insufficient water will be available to meet the present and anticipated needs of the users, or when  
45 conditions are such as to require temporary reduction in total use within a particular area to protect  
46 water resources from serious harm.

(20) “Water Shortage Emergency” means when the District has determined that the provisions listed in Part II of Chapter 40E-21, F.A.C., are not sufficient to protect the public health, safety, or welfare, the health of animals, fish, or aquatic life, a public water supply, or commercial, industrial, agricultural, recreational, or other reasonable beneficial uses.

**Section 4.     Applicability.**

The provisions of this Ordinance shall apply to each user providing landscape irrigation from all water resources within the boundaries of the City of LaBelle. The provisions of this Ordinance shall not apply to athletic play areas or agricultural operations (including nurseries), and irrigation accomplished using reclaimed water or saltwater.

**Section 5.     Declaration of Water Shortage or Water Shortage Emergency.**

A declaration of a water shortage condition or water shortage emergency in accordance with Part II of Chapter 40E-21, F.A.C., within all or parts of the City by the District’s Governing Board or Executive Director, shall supercede any provisions of this Ordinance in conflict therewith until the more restrictive measures are rescinded by the District.

**Section 6.     Year-Round Permanent Landscape Irrigation Measures.**

The following requirements or exceptions shall apply to all users, unless otherwise specified.

- (1) Landscape irrigation shall be prohibited daily between the hours of 10:00 a.m. and 4:00 p.m., except as provided below.
- (2) Irrigation of existing landscaping shall comply with the following provisions:
  - a. Even-Numbered Addresses and rights-of-way, or other locations without an address, may accomplish necessary landscape irrigation only on Tuesdays, Thursdays, and/or Sundays.
  - b. Odd-Numbered Addresses may accomplish necessary landscape irrigation only on Mondays, Wednesdays, and/or Saturdays.
- (3) Irrigation of new landscaping shall comply with the following provisions:
  - a. New Landscaping may be irrigated once on the day it is installed without regard to the listed watering days and times. Irrigation of the soil immediately prior to the installation of the new landscaping is allowed without regard to the listed watering days and times.
  - b. A ninety (90) day establishment period begins on the day new landscaping is installed. The new landscaping shall be installed within a reasonable time from the date of purchase, which may be demonstrated with a dated receipt or invoice.

- c. Irrigation of new landscaping which has been in place for thirty (30) days or less may be accomplished on Monday, Tuesday, Wednesday, Thursday, Saturday, and/or Sunday.
  - d. Irrigation of new landscaping which has been in place for thirty-one (31) to ninety (90) days may be accomplished on Monday, Wednesday, Thursday, and/or Saturday.
  - e. Irrigation of the new landscaping is limited to areas containing only the new landscaping. An entire zone of an irrigation system shall only be utilized for landscape irrigation under this Code if the zone in question is for an area that contains at least fifty percent (50%) new landscaping. If a zone contains less than fifty percent (50%) new landscaping, or if the new landscaping is in an area that will not typically be irrigated by an irrigation system, only the individual new plantings are eligible for additional irrigation. Targeted watering may be accomplished by low volume hand watering, or any appropriate method which isolates and waters only the new landscaping.
- (4) Irrigation systems may be operated outside restricted days and/or times for cleaning, maintenance, and repair with an attendant on-site in the area being tested. Landscape irrigation systems may routinely be operated for such purposes no more than once per week, and the run time for any one (1) test should not exceed ten (10) minutes per zone.
- (5) Landscape irrigation for the purpose of watering-in fertilizers, insecticides, pesticides, fungicides, and herbicides, where such watering-in is required by the manufacturer, or by federal, state or local law, shall be allowed under the following conditions:
- a. Such watering-in shall be limited to one (1) application in the absence of specific alternative instructions from the manufacturer; and
  - b. Such watering-in shall be accomplished during normal watering days and times listed above unless a professional licensed applicator has posted a temporary sign containing the date of application and the date(s) of needed watering-in activity.
- (6) Any plant material may be watered using low volume irrigation, micro-irrigation, low volume hand watering methods, rain barrels, cisterns, or other similar rain-harvesting devices without regard to the listed watering days or times.
- (7) In addition to the specific listed measures, all wasteful and unnecessary water use is prohibited.
- (8) Any user who purchases and installs an automatic landscape irrigation system shall properly install, maintain, and operate technology that inhibits or interrupts operation of the system during periods of sufficient moisture in accordance with Section 373.62, Florida Statutes.

- (9) It shall be the duty of each user to keep informed as to the landscape irrigation conservation measures within this Code, which affect each particular water use.

**Section 6.     Variances.**

- (1) Any user affected by this Ordinance may apply for a variance to. A variance from specific day or days identified in Ordinance may be granted if strict application of the restrictions would lead to unreasonable or unfair result, provided the applicant demonstrates with particularity that compliance with the schedule will result in substantial economic, health, or other hardship on the applicant, or those the applicant serves. Relief may be granted only upon a demonstration that such hardship exists, is peculiar to the person or the affected property, is not self-imposed, and further demonstrates that granting the variance would be consistent with the general intent and purpose of this Ordinance.
- (2) Examples of circumstances for a variance include, but are not limited to:
- a. Two (2) or more properties which share a common source of water;
  - b. A public or private water system experiencing or anticipating distribution problems;
  - c. A user maintains an irrigation system that uses soil moisture sensors or weather-based irrigation controllers; or
  - d. Where a contiguous property is divided into different zones, a variance may be granted so that each zone may be irrigated on days different than other zones of the property.
  - e. Where a user maintains, manages, or owns a non-residential property, such as a house of worship or weekly market (farmer/flea), where the primary day of use, operation, or attendance for the property coincides with the prescribed watering day for the address.
- (3) Upon receipt of an application for variance, the Mayor or their designee will render a decision based on the requirements of this Ordinance. In the event the variance is denied, relief may be appealed to the City Commission. Any notice of denial or subsequent appeal shall be sent by certified mail, return receipt requested.
- (4) The granting of a variance under provisions of the Ordinance shall operate prospectively, shall not stay or abate the enforcement of the provisions of this Ordinance, and shall not affect any prior or pending enforcement actions against the affected person that have been initiated pursuant to the provisions of this Ordinance.
- (5) If a variance is granted, the user shall be required to post a notice at each parcel to which the variance pertains.
- (6) A variance is invalid if it has expired or if the user or its agent violates the terms of the variance.

(7) The City shall recognize all applicable variances or waivers issued by the District pursuant to Rules 40E-21 or 40E-24, F.A.C.

**Section 7.     Enforcement.**

The City authorizes law enforcement officials having jurisdiction within the City to enforce the provisions of this Ordinance. In addition, the City may delegate this Ordinance’s enforcement responsibility to other agencies and departments within the City government or other governmental entities through interlocal agreement.

**Section 8.     Penalties.**

Violations of any provision of this Ordinance may be punished pursuant to Chapter 162, Florida Statutes, however the City may also take any other appropriate legal action, including but not limited to injunctive action to enforce the provisions of this Ordinance.

**Section 9.     Codification.**

The City Commission intends that this Ordinance be made part of the Code of the Laws and Ordinances, of the City of LaBelle, Florida; and that the sections of this Ordinance can be renumbered or re-lettered to the appropriate word or phrase to accomplish codification, and regardless of whether this Ordinance is ever codified, the Ordinance can be renumbered or re-lettered and typographical errors and clarification of ambiguous wording that do not affect the intent can be corrected with the authorization of the City Attorney without the need for a public hearing.

**Section 10.    Conflict.**

All ordinances, resolutions, official determinations or parts thereof previously adopted or entered by the City or any of its officials and in conflict with this Ordinance are hereby repealed to the extent inconsistent herewith.

**Section 11.    Severability.**

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

**Section 12.    Effective Date.**

This Ordinance shall take effect immediately upon adoption.

**PASSED** on first reading this 10<sup>th</sup> day of May 2025.

**PASSED AND ADOPTED BY THE CITY COMMISSION** of the City of LaBelle,  
Florida this 12<sup>th</sup> day of June, 2025.

**CITY OF LABELLE, FLORIDA**

By: \_\_\_\_\_  
Julie C. Wilkins, Mayor

Attest:

By: \_\_\_\_\_  
Tijauna Warner, MMC, Deputy City Clerk

Approved as to form and to  
Legal Sufficiency:

By: \_\_\_\_\_  
Derek Rooney, City Attorney

Vote:	AYE	NAY
Mayor Wilkins	_____	_____
Commissioner Vargas	_____	_____
Commissioner Ratica	_____	_____
Commissioner Vacant	_____	_____
Commissioner Spratt	_____	_____

**HENDRY COUNTY AND CITY OF LABELLE  
INTERLOCAL AGREEMENT FOR DISTRIBUTION OF  
LOCAL OPTION FUEL TAX PROCEEDS**

THIS AGREEMENT, effective this 28<sup>th</sup> day of July, 2020, is made by and between HENDRY COUNTY, a political subdivision of the State of Florida, hereinafter referred to as County, and THE CITY OF LABELLE, a municipal corporation, hereinafter referred to as City.

WHEREAS, Section 336.025(1)(a), Florida Statutes, authorizes counties to impose a Local Option Fuel Tax of up to six cents a gallon; and

WHEREAS, the County has previously levied the full six cents per gallon Local Option Fuel Tax which, under Ordinance No. 2010-23, will expire on December 31, 2020; and

WHEREAS, the parties previously entered into an interlocal agreement for distribution of the six cents Local Option Fuel Tax proceeds, which expires on December 31, 2020; and

WHEREAS, the County adopted an ordinance on July 28, 2020, to extend the six cents Local Option Fuel Tax through December 31, 2030; and

WHEREAS, the parties wish to extend for another 10 years the existing distribution of the six cents Local Option Fuel Tax proceeds; and

WHEREAS, in accordance with the above-referenced statutory authority, the parties desire to memorialize their agreement as to the distribution of the proceeds from said tax.

NOW, THEREFORE, the parties agree that all Local Option Fuel Tax proceeds received by Hendry County, pursuant to the provisions of Section 336.025(1)(a), Florida Statutes, shall be distributed and expended as follows:

1. Effective January 1, 2021 through December 31, 2030, the proceeds from the Local Option Fuel Tax levied pursuant to Section 336.025(1)(a), Florida Statutes, shall be distributed



between Hendry County and the City of LaBelle in the following percentages:

<u>Recipient</u>	<u>Share of Proceeds</u>
Hendry County	65%
City of LaBelle	14.33%

2. The funds received and distributed under the Local Option Fuel Tax shall be spent by the County and City for road improvements and transportation expenses as the governing authority of that respective governmental unit shall determine at its discretion.

3. Nothing in this Interlocal Agreement shall be construed to prevent the City and County from expending Local Option Fuel Tax monies on projects mutually beneficial to the transportation purposes of both governmental units.

4. This Interlocal Agreement shall govern the distribution of Local Option Fuel Taxes from January 1, 2021, through December 31, 2030, unless modified by mutual consent of the parties.

5. The County and City agree that all expenditures of the Local Option Fuel Tax proceeds, divided and distributed pursuant to this Interlocal Agreement, shall be utilized only for transportation expenditures in accordance with the provisions and requirements of Section 336.025, Florida Statutes.

6. The restrictions and provisions contained herein placed upon the County’s or City’s division or expenditure of revenues received from the Local Option Fuel Tax may be modified by amendment to this Interlocal Agreement if reduced to writing and executed by all parties.

7. All prior Interlocal Agreements between the parties relating to the distribution of Local Option Fuel Taxes authorized by Section 336.025(1)(a), Florida Statutes, are hereby

repealed effective as of the end of the day of December 31, 2020.

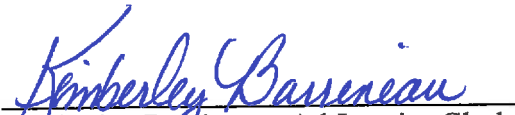
8. This Interlocal Agreement shall be filed with the Hendry County Clerk of Court as required by Section 163.01(11), Florida Statutes.

IN WITNESS WHEREOF the parties hereto have set their hands and seals effective the day and year first written above.

HENDRY COUNTY, FLORIDA

  
\_\_\_\_\_  
Mitchell Wills, Chairman


ATTEST:

  
\_\_\_\_\_  
Kimberley Barrineau, Ad Interim Clerk

CITY OF LABELLE, FLORIDA

  
\_\_\_\_\_  
David Lyons, Mayor

ATTEST:

  
\_\_\_\_\_  
Thomas A. Smith, Clerk

**HENDRY COUNTY AND CITY OF LABELLE  
INTERLOCAL AGREEMENT FOR DISTRIBUTION OF  
LOCAL OPTION FUEL TAX PROCEEDS**

THIS AGREEMENT, effective this 25<sup>th</sup> day of July, 2023, is made by and between HENDRY COUNTY, a political subdivision of the State of Florida, hereinafter referred to as County, and THE CITY OF LABELLE, a municipal corporation, hereinafter referred to as City.

WHEREAS, Section 336.025(1)(b), Florida Statutes, authorizes counties to levy and impose an Additional Local Option Fuel Tax of up to five cents a gallon; and

WHEREAS, the County has previously levied two cents per gallon Additional Local Option Fuel Tax, which under Ordinance No. 2013-07 will expire on December 31, 2023; and

WHEREAS, the parties previously entered into an interlocal agreement for distribution of the two cents Additional Local Option Fuel Tax proceeds, which expires on December 31, 2023; and

WHEREAS, the County adopted an ordinance on July 25, 2023, to extend the two cents Additional Local Option Fuel Tax through December 31, 2030; and

WHEREAS, the parties wish to extend for another 7 years the existing distribution of the two cents Additional Local Option Fuel Tax proceeds; and

WHEREAS, in accordance with the above-referenced statutory authority, the parties desire to memorialize their agreement as to the distribution of the proceeds from said tax.

NOW, THEREFORE, the parties agree that all Local Option Fuel Tax proceeds received by Hendry County, pursuant to the provisions of Section 336.025(1)(b), Florida Statutes, shall be distributed and expended as follows:

1. Effective January 1, 2024 through December 31, 2030, the proceeds from the Local

Option Fuel Tax levied pursuant to Section 336.025(1)(b), Florida Statutes, shall be distributed between Hendry County and the City of LaBelle in the following percentages:

<u>Recipient</u>	<u>Share of Proceeds</u>
Hendry County	65%
City of LaBelle	14.33%

2. The funds received and distributed under the Additional Local Option Fuel Tax shall be spent by the County and City for the purpose outlined in Section 336.025(1)(b)3, to wit: transportation expenditures needed to meet the requirements of the capital improvements element of an adopted comprehensive plan or for expenditures needed to meet immediate local transportation problems and for other transportation-related expenditures that are critical for building comprehensive roadway networks by local governments. For purposes of this paragraph, expenditures for the construction of new roads, the reconstruction or resurfacing of existing paved roads, or the paving of existing graded roads shall be deemed to increase capacity and such projects shall be included in the capital improvements element of an adopted comprehensive plan. Expenditures for purposes of this paragraph shall not include routine maintenance of roads.

3. Nothing in this Interlocal Agreement shall be construed to prevent the City and County from expending Local Option Fuel Tax monies on projects mutually beneficial to the transportation purposes of both governmental units.

4. This Interlocal Agreement shall govern the distribution of Additional Local Option Fuel Taxes from January 1, 2024, through December 31, 2030, unless modified by mutual consent of the parties.

5. The County and City agree that all expenditures of the Additional Local Option Fuel Tax proceeds, divided and distributed pursuant to this Interlocal Agreement, shall be utilized only for transportation expenditures in accordance with the provisions and requirements of Section 336.025, Florida Statutes.

6. The restrictions and provisions contained herein placed upon the County's or City's division or expenditure of revenues received from the Local Option Fuel Tax may be modified by amendment to this Interlocal Agreement if reduced to writing and executed by all parties.

7. All prior Interlocal Agreements between the parties relating to the distribution of Local Option Fuel Taxes authorized by Section 336.025(1)(b), Florida Statutes, are hereby repealed effective as of the end of the day of December 31, 2023.

8. This Interlocal Agreement shall be filed with the Hendry County Clerk of Court as required by Section 163.01(11), Florida Statutes.

IN WITNESS WHEREOF the parties hereto have set their hands and seals effective the day and year first written above.

HENDRY COUNTY, FLORIDA

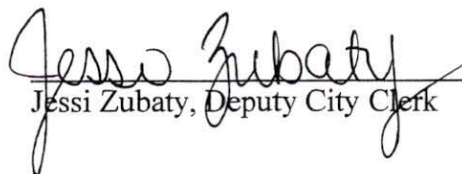
ATTEST:

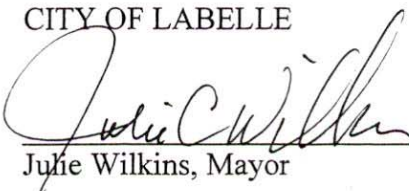
  
Kimberley Barrineau, Clerk

  
Emma J. Byrd, Chair

CITY OF LABELLE


ATTEST:

  
Jessi Zubaty, Deputy City Clerk

  
Julie Wilkins, Mayor

STATE OF FLORIDA  
HENDRY COUNTY

THIS IS TO CERTIFY THAT THE FOREGOING  
3 PAGES ARE TRUE AND CORRECT COPIES  
OF THE ORIGINAL.

BY  D.C.  
DATE 7/26/2023

Select Year: 2024 ▼ Go

## The 2024 Florida Statutes (including 2025 Special Session C)

[Title XXVI](#)  
PUBLIC TRANSPORTATION

[Chapter 336](#)  
COUNTY ROAD SYSTEM

[View Entire Chapter](#)

### **336.025 County transportation system; levy of local option fuel tax on motor fuel and diesel fuel.—**

(1)(a) In addition to other taxes allowed by law, there may be levied as provided in ss. [206.41\(1\)\(e\)](#) and [206.87\(1\)\(c\)](#) a 1-cent, 2-cent, 3-cent, 4-cent, 5-cent, or 6-cent local option fuel tax upon every gallon of motor fuel and diesel fuel sold in a county and taxed under the provisions of part I or part II of chapter 206.

1. All impositions and rate changes of the tax shall be levied before October 1 to be effective January 1 of the following year for a period not to exceed 30 years, and the applicable method of distribution shall be established pursuant to subsection (3) or subsection (4). However, levies of the tax which were in effect on July 1, 2002, and which expire on August 31 of any year may be reimposed at the current authorized rate provided the tax is levied before July 1 and is effective September 1 of the year of expiration. Upon expiration, the tax may be relevied provided that a redetermination of the method of distribution is made as provided in this section.

2. County and municipal governments shall utilize moneys received pursuant to this paragraph only for transportation expenditures.

3. Any tax levied pursuant to this paragraph may be extended on a majority vote of the governing body of the county. A redetermination of the method of distribution shall be established pursuant to subsection (3) or subsection (4), if, after July 1, 1986, the tax is extended or the tax rate changed, for the period of extension or for the additional tax.

(b) In addition to other taxes allowed by law, there may be levied as provided in s. [206.41\(1\)\(e\)](#) a 1-cent, 2-cent, 3-cent, 4-cent, or 5-cent local option fuel tax upon every gallon of motor fuel sold in a county and taxed under the provisions of part I of chapter 206. The tax shall be levied by an ordinance adopted by a majority plus one vote of the membership of the governing body of the county or by referendum. A referendum to adopt, amend, or reenact a tax under this subsection must be held at a general election as defined in s. [97.021](#). A referendum to reenact an expiring tax must be held at a general election occurring within the 48-month period immediately preceding the effective date of the reenacted tax, and the referendum may appear on the ballot only once within the 48-month period.

1. All impositions and rate changes of the tax shall be levied before October 1, to be effective January 1 of the following year. However, levies of the tax which were in effect on July 1, 2002, and which expire on August 31 of any year may be reimposed at the current authorized rate provided the tax is levied before July 1 and is effective September 1 of the year of expiration.

2. The county may, prior to levy of the tax, establish by interlocal agreement with one or more municipalities located therein, representing a majority of the population of the incorporated area within the county, a distribution formula for dividing the entire proceeds of the tax among county government and all eligible municipalities within the county. If no interlocal agreement is adopted before the effective date of the tax, tax revenues shall be distributed pursuant to the provisions of subsection (4). If no interlocal agreement exists, a new interlocal agreement may be established prior to June 1 of any year pursuant to this subparagraph. However, any interlocal agreement agreed to under this subparagraph after the initial levy of the tax or change in the tax rate authorized in this section shall under no circumstances materially or adversely affect the rights of holders of outstanding bonds which are backed by taxes authorized by this paragraph, and the amounts distributed to the county government and each municipality shall not be reduced below the amount necessary for the payment of

principal and interest and reserves for principal and interest as required under the covenants of any bond resolution outstanding on the date of establishment of the new interlocal agreement.

3. County and municipal governments shall use moneys received pursuant to this paragraph for transportation expenditures needed to meet the requirements of the capital improvements element of an adopted comprehensive plan or for expenditures needed to meet immediate local transportation problems and for other transportation-related expenditures that are critical for building comprehensive roadway networks by local governments. For purposes of this paragraph, expenditures for the construction of new roads, the reconstruction or resurfacing of existing paved roads, or the paving of existing graded roads shall be deemed to increase capacity and such projects shall be included in the capital improvements element of an adopted comprehensive plan. Expenditures for purposes of this paragraph shall not include routine maintenance of roads.

(c) Local governments may use the services of the Division of Bond Finance of the State Board of Administration pursuant to the State Bond Act to issue any bonds through the provisions of this section and may pledge the revenues from local option fuel taxes to secure the payment of the bonds. Counties and municipalities may join together for the issuance of bonds issued pursuant to this section.

(d) If an interlocal agreement entered into under this section does not provide for automatic adjustments or periodic review by the local governmental entities of the method of distribution of local option fuel tax revenues, the parties to the agreement shall review and hold public hearings on the terms of the agreement at least every 2 years.

(2)(a) The tax levied pursuant to paragraph (1)(a) shall be collected and remitted in the same manner provided by ss. 206.41(1)(e) and 206.87(1)(c). The tax levied pursuant to paragraph (1)(b) shall be collected and remitted in the same manner provided by s. 206.41(1)(e). The taxes remitted pursuant to this section shall be transferred to the Local Option Fuel Tax Trust Fund, which fund is created for distribution to the county and eligible municipal governments within the county in which the tax was collected and which fund is subject to the service charge imposed in chapter 215. The tax shall be distributed monthly by the department in the same manner provided by s. 336.021(1)(c) and (d). The department shall deduct the administrative costs incurred by it in collecting, administering, enforcing, and distributing back to the counties the tax, which administrative costs may not exceed 2 percent of collections authorized by this section. The total administrative costs shall be prorated among those counties levying the tax according to the following formula, which shall be revised on July 1 of each year: Two-thirds of the amount deducted shall be based on the county's proportional share of the number of dealers who are registered for purposes of chapter 212 on June 30 of the preceding state fiscal year, and one-third of the amount deducted shall be based on the county's share of the total amount of the tax collected during the preceding state fiscal year. The department has the authority to prescribe and publish all forms upon which reports shall be made to it and other forms and records deemed to be necessary for proper administration and collection of the taxes levied by any county and shall promulgate such rules as may be necessary for the enforcement of this section, which rules shall have the full force and effect of law. The provisions of ss. 206.026, 206.027, 206.028, 206.051, 206.052, 206.054, 206.055, 206.06, 206.07, 206.075, 206.08, 206.09, 206.095, 206.10, 206.11, 206.12, 206.13, 206.14, 206.15, 206.16, 206.17, 206.175, 206.18, 206.199, 206.20, 206.204, 206.205, 206.21, 206.215, 206.22, 206.24, 206.27, 206.28, 206.41, 206.416, 206.44, 206.45, 206.48, 206.49, 206.56, 206.59, 206.626, 206.87, 206.872, 206.873, 206.8735, 206.874, 206.8741, 206.94, and 206.945 shall, as far as practicable, be applicable to the levy and collection of taxes imposed pursuant to this section as if fully set out in this section.

(b) The provisions of s. 206.43(7) shall apply to the incorrect reporting of the tax levied under this section.

(c) The provisions for refund provided in s. 206.625 are not applicable to the tax levied pursuant to paragraph (1)(a) or paragraph (1)(b) by any county.

(3) The tax authorized pursuant to paragraph (1)(a) shall be levied using either of the following procedures:

(a) The tax may be levied by an ordinance adopted by a majority vote of the governing body or upon approval by referendum. Such ordinance shall be adopted in accordance with the requirements imposed under one of the following circumstances, whichever is applicable:

1. The county may, prior to June 1, establish by interlocal agreement with one or more of the municipalities located therein, representing a majority of the population of the incorporated area within the county, a



distribution formula for dividing the entire proceeds of the local option fuel tax among the county government and all eligible municipalities within the county. If no interlocal agreement exists, a new interlocal agreement may be established prior to August 1, 1986, or June 1 of any year thereafter pursuant to this subparagraph. However, any interlocal agreement agreed to under this subparagraph after the initial imposition of the tax, extension of the tax, or change in the tax rate authorized in this section shall under no circumstances materially or adversely affect the rights of holders of outstanding bonds which are backed by taxes authorized by this section, and the amounts distributed to the county government and each municipality shall not be reduced below the amount necessary for the payment of principal and interest and reserves for principal and interest as required under the covenants of any bond resolution outstanding on the date of establishment of the new interlocal agreement.

2. If an interlocal agreement has not been executed pursuant to subparagraph 1., the county may, prior to June 10, adopt a resolution of intent to levy the tax allowed in paragraph (1)(a).

3. Notwithstanding subparagraphs 1. and 2., any inland county with a population greater than 500,000 as of July 1, 1996, with an interlocal agreement with one or more of the incorporated areas within the county established pursuant to subparagraph 1. must utilize the population estimates of local governmental units as of April 1 of each year pursuant to s. 186.901, for dividing the proceeds of the local option fuel tax contained in such interlocal agreement. However, any interlocal agreement agreed to under this subparagraph after the initial imposition of the tax, extension of the tax, or change in the tax rate authorized in this section shall under no circumstances materially or adversely affect the rights of holders of outstanding bonds which are backed by taxes authorized by this section, and the amounts distributed to the county government and each municipality shall not be reduced below the amount necessary for the payment of principal and interest and reserves for principal and interest as required under the covenants of any bond resolution outstanding on the date of establishment of the new interlocal agreement.

(b) If no interlocal agreement or resolution is adopted pursuant to subparagraph (a)1. or subparagraph (a)2., municipalities representing more than 50 percent of the county population may, prior to June 20, adopt uniform resolutions approving the local option tax, establishing the duration of the levy and the rate authorized in paragraph (1)(a), and setting the date for a countywide referendum on whether to levy the tax. A referendum to adopt, amend, or reenact a tax under this subsection must be held at a general election as defined in s. 97.021. A referendum to reenact an expiring tax must be held at a general election occurring within the 48-month period immediately preceding the effective date of the reenacted surtax, and the referendum may appear on the ballot only once within the 48-month period. The tax shall be levied and collected countywide on January 1 following 30 days after voter approval.

(4)(a) If the tax authorized pursuant to paragraph (1)(a) is levied under the circumstances of subparagraph (3)(a)2. or paragraph (3)(b), the proceeds of the tax shall be distributed among the county government and eligible municipalities based on the transportation expenditures of each for the immediately preceding 5 fiscal years, as a proportion of the total of such expenditures for the county and all municipalities within the county. After the initial levy of a tax being distributed pursuant to the provisions of this paragraph, the proportions shall be recalculated every 10 years based on the transportation expenditures of the immediately preceding 5 years. However, such recalculation shall under no circumstances materially or adversely affect the rights of holders of bonds outstanding on July 1, 1986, which are backed by taxes authorized in paragraph (1)(a), and the amounts distributed to the county government and each municipality shall not be reduced below the amount necessary for the payment of principal and interest and reserves for principal and interest as required under the covenants of any bond resolution outstanding on the date of the recalculation.

(b) Any newly incorporated municipality which is eligible for participation in the distribution of moneys under parts II and VI of chapter 218 and which is located in a county levying the tax pursuant to paragraph (1)(a) or paragraph (1)(b) is entitled to receive a share of the tax revenues. Distribution of such revenues to a newly incorporated municipality shall begin in the first full fiscal year following incorporation. The distribution to a newly incorporated municipality shall be:

1. Equal to the county's per lane mile expenditure in the previous year times the lane miles within the jurisdiction or responsibility of the municipality, in which case the county's share shall be reduced proportionately;



or

2. Determined by the local act incorporating the municipality.

Such distribution shall under no circumstances materially or adversely affect the rights of holders of outstanding bonds which are backed by taxes authorized in this section, and the amounts distributed to the county government and each municipality shall not be reduced below the amount necessary for the payment of principal and interest and reserves for principal and interest as required under the covenants of any bond resolution outstanding on the date of the redistribution.

(5)(a) By October 1 of each year, the county shall notify the Department of Revenue of the rate of the taxes levied pursuant to paragraphs (1)(a) and (b), and of its decision to rescind or change the rate of a tax, if applicable, and shall provide the department with a certified copy of the interlocal agreement established under subparagraph (1)(b)2. or subparagraph (3)(a)1. with distribution proportions established by such agreement or pursuant to subsection (4), if applicable. A decision to rescind a tax may not take effect on any date other than December 31, regardless of when the tax was originally imposed, and requires a minimum of 60 days' notice to the Department of Revenue of such decision.

(b) Any dispute as to the determination by the county of distribution proportions shall be resolved through an appeal to the Administration Commission in accordance with procedures developed by the commission. Pending final disposition of such proceeding, the tax shall be collected pursuant to this section, and such funds shall be held in escrow by the clerk of the circuit court of the county until final disposition.

(6) Only those municipalities and counties eligible for participation in the distribution of moneys under parts II and VI of chapter 218 are eligible to receive moneys under this section. Any funds otherwise undistributed because of ineligibility shall be distributed to eligible governments within the county in proportion to other moneys distributed pursuant to this section.

(7) For the purposes of this section, "transportation expenditures" means expenditures by the local government from local or state shared revenue sources, excluding expenditures of bond proceeds, for the following programs:

- (a) Public transportation operations and maintenance.
- (b) Roadway and right-of-way maintenance and equipment and structures used primarily for the storage and maintenance of such equipment.
- (c) Roadway and right-of-way drainage.
- (d) Street lighting installation, operation, maintenance, and repair.
- (e) Traffic signs, traffic engineering, signalization, and pavement markings, installation, operation, maintenance, and repair.
- (f) Bridge maintenance and operation.
- (g) Debt service and current expenditures for transportation capital projects in the foregoing program areas, including construction or reconstruction of roads and sidewalks.

(8) In addition to the uses specified in subsection (7), the governing body of a county with a population of 50,000 or less on April 1, 1992, or the governing body of a municipality within such a county may use the proceeds of the tax levied pursuant to paragraph (1)(a) in any fiscal year to fund infrastructure projects, if such projects are consistent with the local government's approved comprehensive plan or, if the approval or denial of the plan has not become final, consistent with the plan last submitted to the state land planning agency. In addition, no more than an amount equal to the proceeds from 4 cents per gallon of the tax imposed pursuant to paragraph (1)(a) may be used by such county for the express and limited purpose of paying for a court-ordered refund of special assessments. Except as provided in subsection (7), such funds shall not be used for the operational expenses of any infrastructure. Such funds may be used for infrastructure projects under this subsection only after the local government, prior to the fiscal year in which the funds are proposed to be used, or if pledged for bonded indebtedness, prior to the fiscal year in which the bonds will be issued, has held a duly noticed public hearing on the proposed use of the funds and has adopted a resolution certifying that the local government has met all of the transportation needs identified in its approved comprehensive plan or, if the approval or denial of the plan has not become final, consistent with the plan last submitted to the state land planning agency. The proceeds shall not be

pledged for bonded indebtedness for a period exceeding 10 years, except that, for the express and limited purpose of using such proceeds in any fiscal year to pay a court-ordered refund of special assessments, the proceeds may be pledged for bonded indebtedness not exceeding 15 years. For the purposes of this subsection, “infrastructure” has the same meaning as provided in s. 212.055.

(9) Notwithstanding any other provision of this section, the tax on diesel fuel authorized in this section shall be levied in every county at the rate of 6 cents per net gallon.

**History.**—s. 55, ch. 83-3; s. 6, ch. 83-138; s. 8, ch. 83-339; s. 1, ch. 84-369; s. 17, ch. 85-81; s. 33, ch. 85-180; s. 123, ch. 85-342; s. 43, ch. 86-152; s. 29, ch. 86-243; s. 71, ch. 87-99; s. 2, ch. 90-351; s. 9, ch. 92-184; s. 280, ch. 92-279; s. 4, ch. 92-309; s. 55, ch. 92-326; s. 33, ch. 93-164; s. 40, ch. 93-206; s. 8, ch. 94-146; s. 53, ch. 94-237; s. 960, ch. 95-148; s. 40, ch. 95-257; s. 1, ch. 95-343; ss. 118, 119, ch. 95-417; ss. 25, 68, ch. 96-323; ss. 18, 19, ch. 96-397; ss. 17, 18, ch. 97-54; s. 9, ch. 2000-266; s. 35, ch. 2001-201; s. 48, ch. 2002-218; s. 3, ch. 2003-86; s. 24, ch. 2003-254; s. 28, ch. 2007-196; s. 28, ch. 2012-174; s. 40, ch. 2017-36; s. 7, ch. 2022-214; s. 36, ch. 2023-157.



**CITY OF LABELLE, FLORIDA**  
**Planning Staff Report**  
**For**  
**LaBelle Chapter 144 Disabled American Veterans**  
**PUD Amendment**

**TYPE OF CASE:** Planned Unit Development Amendment

**STAFF REVIEWER:** Alexis Crespo, AICP

**DATE:** June 12, 2025

**APPLICANT:** LaBelle Chapter 144 Disabled American Veterans Dept. of Florida, Inc. (Privately Initiated)

**AGENT:** Bob Schall

**REQUEST:** Amend the DAV Planned Unit Development (PUD) to add 0.48 acres to the PUD zoning district to allow for an expansion of parking lot used for the Applicant's flea market use located at 220 Selma Daniels Avenue.

**LOCATION:** South of Miller Avenue between Martin Luther King Jr. Blvd. and Selma Daniels Avenue, Labelle, FL 33935 (See Location Map, Exhibit A)

**PROPERTY SIZE:** 1.8+/- acres

**FUTURE LAND USE DESIGNATION, CURRENT ZONING AND LAND USE:**

Existing Future Land Use Designation: Residential  
Existing Zoning: Residential Neighborhood Urban (RNU)  
Land Use: Vacant

**SURROUNDING LAND USE:**

**North:** FLU – Outlying Mixed Use  
Zoning – Commercial (B-2)  
Land Use – Public Right-of-Way (Miller Avenue); Flea Market

**South:** FLU – Residential  
Zoning – Residential Neighborhood Urban (RNU)  
Land Use – Mobile Home; Church; Vacant

**East:** FLU – Residential  
 Zoning – Residential Neighborhood Urban (RNU)  
 Land Use – Vacant

**West:** FLU – Outlying Mixed-Use  
 Zoning – Commercial (B-2)  
 Land Use – Public Right-of-Way (Selma Daniels Avenue); Vacant

**STAFF NARRATIVE:**

LaBelle Chapter 144 of the Disabled American Veterans, LLC (“Applicant”) is seeking amendments to the Planned Unit Development approved per Ordinance 2019-24, and amended by Ordinance 2020-14, to allow for an expansion of the flea market parking lot. See Exhibit A for a Location Map depicting the DAV PUD.

The Subject Property is generally located south of SR 80/Hickpochee Avenue, east of Selma Daniels Avenue, south of Miller Avenue, and west of Martin Luther King Jr. Blvd. The subject property is vacant/undeveloped and contains existing vegetation including several significant oak trees. The parcels are accessed from Miller Avenue and Selma Daniels Avenue.

The Applicant currently hosts an outdoor flea market on Saturdays from approximately 7 a.m. until 4 p.m. at their property located at 228 Miller Avenue – immediately north of the subject property. The Applicant acquired an additional 0.48-acre property, contiguous to the existing PUD boundary and immediately north of Manatee Avenue. The Applicant intends to limit use of this additional property to parking lot to serve the flea market and adjacent commercial use at 220 Selma Daniels (as approved by Ordinance 2020-14.

**STAFF RECOMMENDATION:**

Staff finds that the proposed PUD amendment is consistent with the Land Development Code and the Comprehensive Plan and recommends APPROVAL to allow the flea market parking lot to be expanded, subject to all conditions of approval from Ordinance 2020-14. No changes to the adopted conditions are proposed to accommodate the expansion of the parking lot, as reflected below.

1. The PUD rezone applies to the property as described in Exhibit ‘A’.
2. The only allowable use granted by this PUD is “Parking lot”, ancillary to flea market and commercial office uses at 220 Selma Daniels Avenue. Any other use of the property will require PUD rezoning approval. If the flea market use to the north of Miller Avenue discontinues in accordance with LDC Section 4-108, the zoning of this property will revert back to Residential Neighborhood Urban (RNU).
3. Parking is only permitted during hours of operation for the Disabled American Veterans flea market on Saturdays only, from 7 a.m. to 4 p.m., with the exception of vendor loading/unloading and set-up, and daily from 7 a.m. to 9 p.m. for the real estate sales office located at 220 Selma Daniels Avenue.
4. No vertical structures may be developed on the site with the exception of fencing complying the Land Development Code; one (1) 20’ x 30’ storage building; and ancillary trash receptacles. The storage building must have permissible veneer or siding set forth in LDC Sec. 4-63, limited to lathe and stucco, block and stucco, lap siding, brick, vinyl lap siding, wood, any composite materials specifically manufactured or designed as siding. The façade facing SR 80 (north) must

- include a minimum of one (1) window not less than 3' X 3'. The accessory storage building must maintain 20' street/front setback; 10' rear setback; and 15' side yard setbacks.
5. Parking spaces may be delineated by wood post, log or other mechanism to ensure orderly parking on the site. The site will be maintained with grass and/or stabilized material subject to approval by the Superintendent of Public Works.
  6. A minor site clearing permit must be obtained from the City prior to the clearing of vegetation from the site. The Applicant will make every reasonable effort to preserve existing vegetation on the site, particularly along the south and east property lines. All significant oak trees must be preserved/protected in accordance with the Land Development Code and are not authorized for removal via this PUD.

**SUGGESTED MOTION(S):**

**APPROVAL:**

I make a motion to recommend approval of the rezoning of the Subject Property from RNU and PUD to PUD.

**APPROVAL WITH CONDITIONS:**

I make a motion to recommend approval of the rezoning of the Subject Property from RNU and PUD to PUD with the following condition(s):

- 1) as outlined in the staff report;
- OR**
- 2) as outlined in the staff report and amended as follows;
- OR**
- 3) with the following conditions:

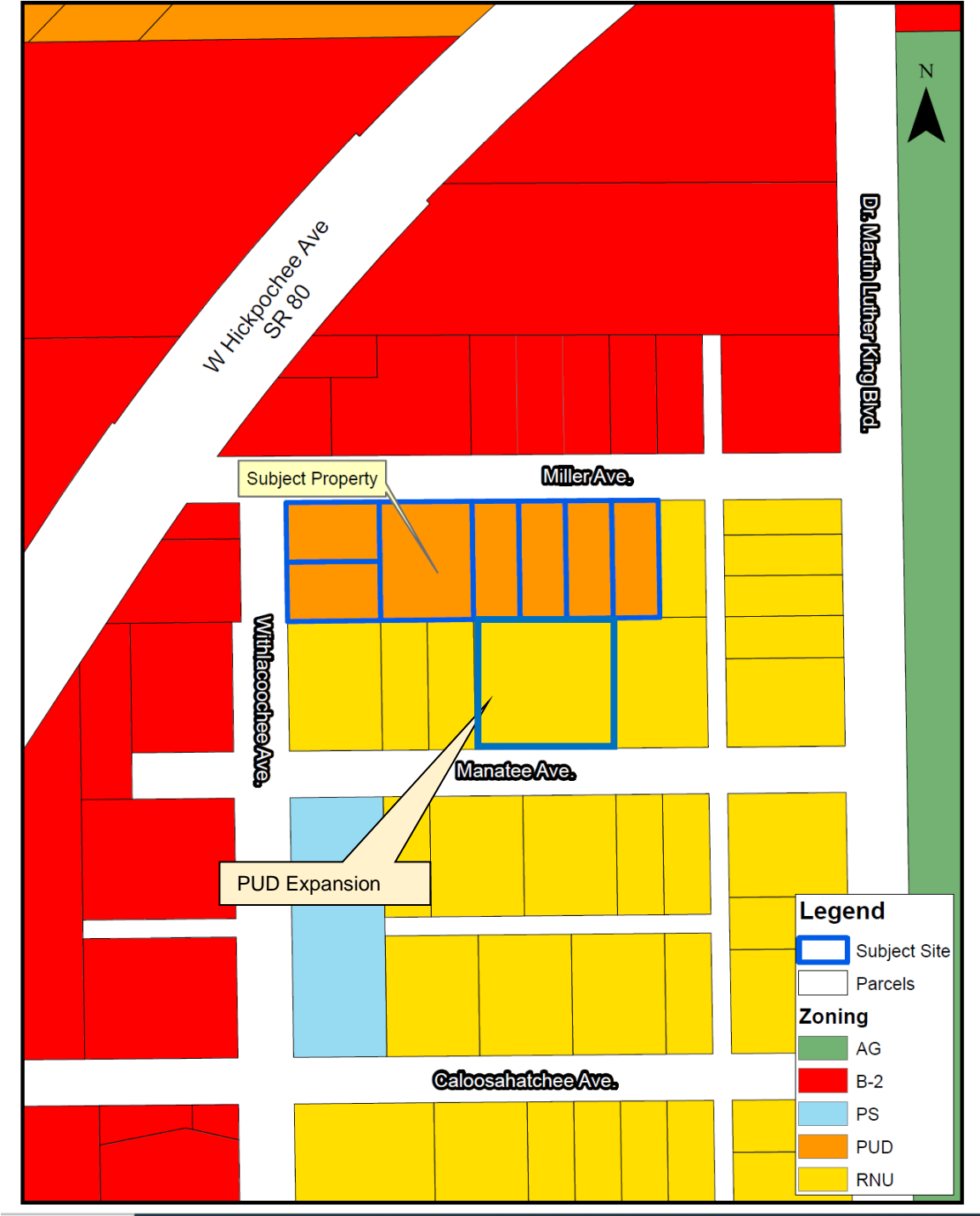
**DENIAL:**

I make a motion to recommend denial of the rezone request from RNU & PUD to PUD.

The request does not meet the rezoning/PUD criteria:

- 1) .... Why?

EXHIBIT A  
CURRENT ZONING MAP/LOCATION MAP



CITY OF LABELLE  
ORDINANCE 2025-02  
LABELLE CHAPTER 144 DISABLED AMERICAN VETERANS  
PLANNED UNIT DEVELOPMENT AMENDMENT

AN ORDINANCE OF THE CITY OF LABELLE, FLORIDA, AMENDING ORDINANCE 2020-14 FOR THE DISABLED AMERICAN VETERANS FLEA MARKET PLANNED UNIT DEVELOPMENT; ADDING 0.48+/-ACRES TO THE PLANNED UNIT DEVELOPMENT FOR PARKING; PROVIDING FOR INTENT; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

**WHEREAS**, LaBelle Chapter 144 Disabled Veterans Dept. of Florida, Inc. is the “Owner” of real property, generally located south of Miller Avenue and east of Selma Daniels Avenue, City of LaBelle, Florida, further described in Exhibit “A”, attached hereto, and

**WHEREAS**, the Owner acquired an additional 0.48+/-acre property north of Manatee Avenue and immediately contiguous to the PUD established by Ordinance 2019-24, and amended by Ordinance 2020-14, to accommodate temporary overflow parking for the principal flea market use; and

**WHEREAS**, after duly advertised public hearings held on June 12, 2025 before the Local Planning Agency “LPA”, and a public hearing on August 14, 2025 before the City Commission; and,

**WHEREAS**, the City Commission for the City of LaBelle has determined that the requested rezoning is in compliance with the land use designation of “Residential” due to the limited hours of operation and scope of the flea market use, and approval of the rezoning application will further the goals and objectives of the City of LaBelle Comprehensive Plan; and,

**WHEREAS**, the City Commission for the City of LaBelle has determined the amendment to conditions contained in PUD Ordinance 2025-02 will allow for appropriate use of the property and will protect the health, safety, comfort, good order, appearance, convenience and general welfare of the public.

**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, protect and improve the health, safety, comfort, good order, appearance, convenience and general welfare of the public subject to the following conditions:

1. The PUD rezone applies to the property as described in Exhibit 'A'.
2. The only allowable use granted by this PUD is "Parking lot", ancillary to flea market and commercial office uses at 220 Selma Daniels Avenue. Any other use of the property will require PUD rezoning approval. If the flea market use to the north of Miller Avenue discontinues in accordance with LDC Section 4-108, the zoning of this property will revert back to Residential Neighborhood Urban (RNU).
3. Parking is only permitted during hours of operation for the Disabled American Veterans flea market on Saturdays only, from 7 a.m. to 4 p.m., with the exception of vendor loading/unloading and set-up, and daily from 7 a.m. to 9 p.m. for the real estate sales office located at 220 Selma Daniels Avenue.
4. No vertical structures may be developed on the site with the exception of fencing complying the Land Development Code; one (1) 20' x 30' storage building; and ancillary trash receptacles. The storage building must have permissible veneer or siding set forth in LDC Sec. 4-63, limited to lathe and stucco, block and stucco, lap siding, brick, vinyl lap siding, wood, any composite materials specifically manufactured or designed as siding. The façade facing SR 80 (north) must include a minimum of one (1) window not less than 3' X 3'. The accessory storage building must maintain 20' street/front setback; 10' rear setback; and 15' side yard setbacks.
5. Parking spaces may be delineated by wood post, log or other mechanism to ensure orderly parking on the site. The site will be maintained with grass and/or stabilized material subject to approval by the Superintendent of Public Works.
6. A minor site clearing permit must be obtained from the City prior to the clearing of vegetation from the site. The Applicant will make every reasonable effort to preserve existing vegetation on the site, particularly along the south and east property lines. All significant oak trees must be preserved/protected in accordance with the Land Development Code and are not authorized for removal via this PUD.

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

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

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



**PASSED AND ADOPTED** in open session this \_\_\_\_ day of \_\_\_\_\_, 2025.

**CITY COMMISSION OF THE CITY OF LABELLE,  
FLORIDA**

By: \_\_\_\_\_  
Julie C. Wilkins, Mayor

**ATTEST:**

By: \_\_\_\_\_  
Tijauna Warner, Deputy Clerk

**APPROVED AS TO FORM AND  
LEGAL SUFFICIENCY:**

By: \_\_\_\_\_  
Derek Rooney, City Attorney

Vote:	AYE	NAY
Mayor Wilkins	_____	_____
Commissioner Vargas	_____	_____
Commissioner Ratica	_____	_____
Commissioner Holland	_____	_____
Commissioner Spratt	_____	_____

**EXHIBIT A**

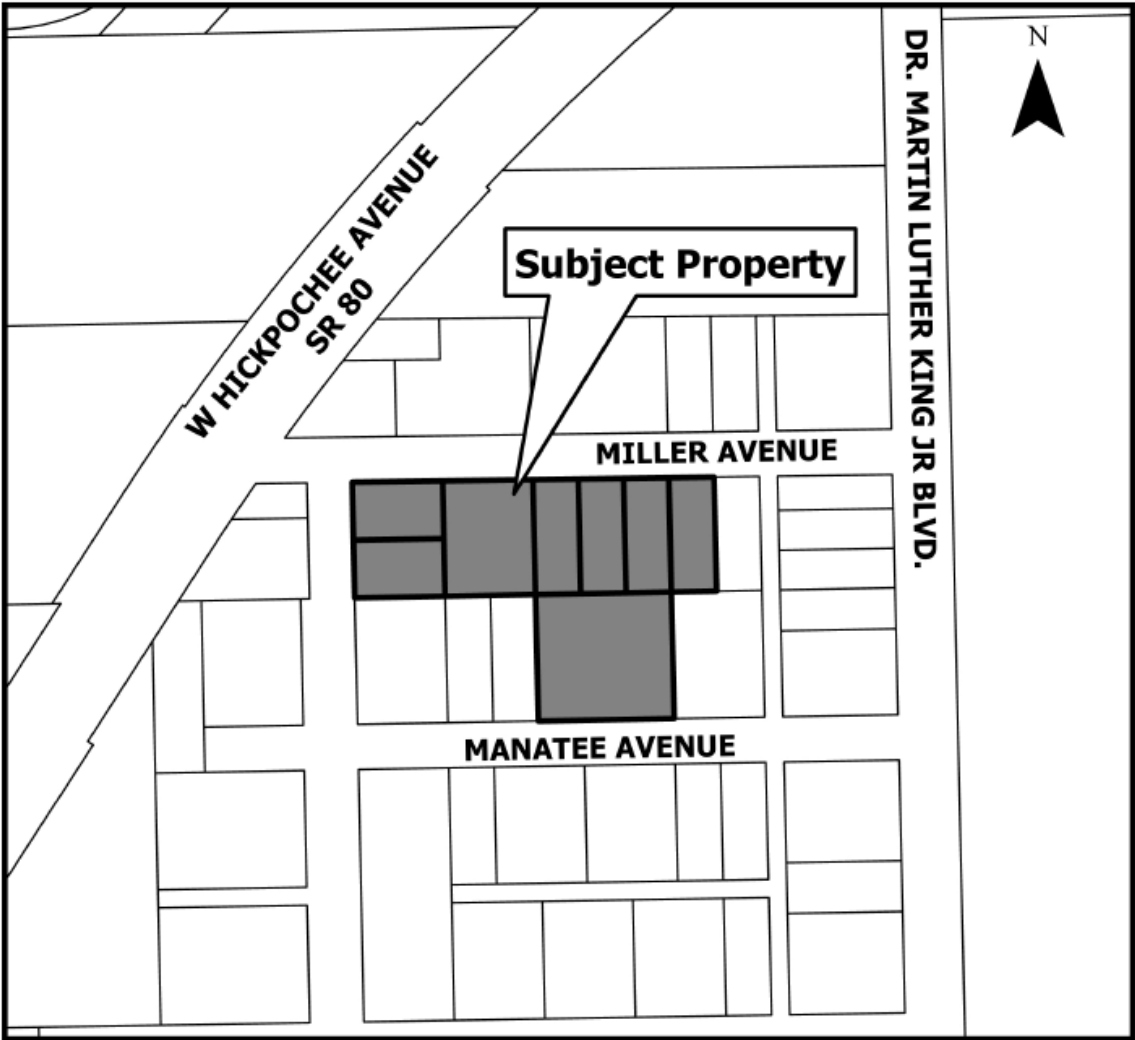
LOTS 9, 11, 13, 15, 17, 19, NORTH ½ OF LOTS 21 AND 23, AND SOUTH ½ OF LOTS 21 AND 23, MILLER'S SUBDIVISION, ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 2, PAGE 67 OF THE PUBLIC RECORDS OF HENDRY COUNTY, FLORIDA.

AND

LOTS 24, 25 AND 26, FORD PARK SECTION ONE, ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 1, PAGE 48 OF THE PUBLIC RECORDS OF HENDRY COUNTY, FLORIDA.

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**EXHIBIT B  
LOCATION MAP**



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**CITY OF LABELLE, FLORIDA**  
**Planning Staff Report**  
**for**  
**Mobile Food Vending Ordinance**

**TYPE OF CASE:** Land Development Code Amendment

**STAFF REVIEWER:** Alexis Crespo, AICP

**DATE:** June 12, 2025

**APPLICANT:** City of LaBelle City Commission

**AGENT:** City of LaBelle City Commission

**REQUEST:** Amend the City of LaBelle Land Development Code to amend the standards for mobile food vending

**LOCATION:** City-wide

**PROPERTY SIZE:** N/A

**STAFF NARRATIVE:**

The City of LaBelle City Commission requested that Staff prepare an ordinance providing amendments to the standards for mobile food vending, more commonly known as food trucks. The current regulations require a Special Exception to establish a food truck use on a property, unless the use is otherwise allowed by a Planned Unit Development zoning district.

A Special Exception requires a minimum application fee of \$1,500 and creates uncertainty for Applicants due to the public hearing process.

Food trucks continue to be a highly demanded use in the City and creates opportunities for restaurateurs to start a food-based business without the upfront capital costs of establishing a “brick and mortar” restaurant. Food trucks also provide the public with diversity of food options.

The amendment as proposed is intended to provide a predictable permitting process that would allow for mobile food vending on non-residentially zoned properties throughout the City, while establishing meaningful regulations to ensure the food trucks do not detract from the local character, public viewsheds and functionality of the subject property as well as abutting rights-of-ways.

The following are the key changes proposed via this amendment:

- Move mobile food vending standards from Chapter 11 of the Code of Ordinances to the Supplementary Regulations Section in Chapter 4 of Land Development Code, as the standards directly relate to land development.
- Establishes an administrative permitting process to allow mobile food vendors to locate on a specified subject site. The process includes required materials to evaluate the appropriateness of the request including site plan, hours of operation, insurance coverage, application fee (to be established by the City Commission) and demonstration that the required agency permits have been obtained, such as health department authorization.
- Establishes limitations on allowable locations based upon the official Zoning Map, access and circulation, adequate parking, and distance separation from other food trucks to avoid proliferation of the use, particularly along the SR 80 and SR 29 corridors, where the highest demand to locate food trucks exists.
- Prohibits food trucks on residentially-zoned property and the Downtown Business District, except Barron Park, where food trucks can operate in accordance with the approved/vested Special Exception approval. Additionally, leniency for food trucks at clubhouses within residential communities has been included. This is allowed in numerous master-planned communities in Southwest Florida, such as Babcock Ranch, and can contribute to community-building and “sense of place”.
- Establishes numerous operating standards to ensure the mobile food vending is functional, attractive and well-maintained. Standards address setbacks, on-site refuse/waste disposal, signage, hours of operation, and prohibition on alcohol consumption, outdoor seating areas and amplified music to avoid competition with “brick and mortar” restaurants, address compatibility, and preclude the need for additional longer-term parking.
- Establishes review criteria and process for addressing violations of these standards.

**STAFF RECOMMENDATION:**

Staff finds that the proposed ordinance is consistent with the Comprehensive Plan and Land Development Code and recommends **APPROVAL**.

**SUGGESTED MOTION(S)**

**APPROVAL:**

I make a motion to recommend approval of the proposed Mobile Food Vending Ordinance.

**APPROVAL WITH MODIFICATION(S):**

I make a motion to recommend approval of the proposed Mobile Food Vending Ordinance with the following changes:

1) ....

**DENIAL:**

I make a motion to recommend denial of the proposed Mobile Food Vending Ordinance.

The request does not meet the intent of the Comprehensive Plan and Land Development Code.

1) ....

ORDINANCE  
NUMBER 2025-03

AN ORDINANCE OF THE CITY OF LABELLE,  
FLORIDA; AMENDING THE CITY OF LABELLE  
CODE, CHAPTER 11, ARTICLE V, STREET  
VENDING; AND AMENDING APPENDIX B, LAND  
DEVELOPMENT CODE, CHAPTER 4, ARTICLE V,  
SUPPLEMENTARY DISTRICT REGULATONS,  
CREATING SECTION 4-92; AMENDING  
REGULATIONS RELATING TO MOBILE  
VENDING; PROVIDING FOR RATIFICATION OF  
PRIOR ACTIONS; PROVIDING FOR  
CODIFICATION, SEVERABILITY, CONFLICTS  
AND AN EFFECTIVE DATE.

RECITALS

**WHEREAS**, the City of LaBelle, Florida has the authority to adopt this Ordinance pursuant to Article VIII of the Constitution of the State of Florida; Chapters 163 and 166; and Section 381.986 Florida Statutes; and

**WHEREAS**, the City Commission desires to amend the regulations relating to the mobile vending in the City to allow for the expansion and incubation of local businesses, while ensuring protecting the character of the City and ensuring an attractive and functional built environment; and

**WHEREAS**, the City of LaBelle desires to maintain minimum siting regulations and design standards to ensure compatibility and consistency amongst buildings in the City, and to ensure the protection of public health, safety and welfare; and

**WHEREAS**, the proposed ordinance was properly advertised and has received public hearings before the Local Planning Agency on June 12, 2025, and before the City Commission on July 10, 2025 and August 14, 2025; and

**WHEREAS**, the City finds that this Ordinance is in the interests of the public health, safety, and welfare.

**NOW, THEREFORE, BE IT ORDAINED** by the City Commission of the City of LaBelle, Florida:

**Section 1.**     Recitals. The forgoing recitals are hereby ratified and confirmed as being true and correct and hereby made a part of this Ordinance and adopted as legislative findings.

**Section 2.**     Amendment to the City Code of Ordinances. Chapter 11, Licenses And Business Regulations, Article V - Street Vending, and the Land Development Code, Chapter

4, Article IV, Zoning, of the City of LaBelle is hereby amended as set forth in Exhibit A attached hereto.

**Section 3. Codification.** This ordinance shall be incorporated into the City of LaBelle Land Development Code. The sections of this Ordinance can be renumbered or re-lettered to the appropriate word or phrase to accomplish codification. Omissions, grammatical, and typographical errors, as well as clarifications of ambiguous wording that do not affect the intent of this Ordinance, may be authorized by the Mayor without need for a public hearing.

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

**Section 5. Conflicts.** The provisions of this article shall supersede any provisions of existing ordinances in conflict herewith to the extent of said conflict.

**Section 6. Effective Date.** This Ordinance shall take effect immediately upon its adoption by the City Commission.

**PASSED AND DULY ADOPTED** this \_\_\_\_ day of \_\_\_\_\_, 2025.

CITY COMMISSION OF THE CITY OF LABELLE,  
FLORIDA

By: \_\_\_\_\_  
Julie C. Wilkins, Mayor

ATTEST:

By: \_\_\_\_\_  
Tijauna Warner, Deputy Clerk

APPROVED AS TO FORM AND  
LEGAL SUFFICIENCY:

By: \_\_\_\_\_  
Derek Rooney, City Attorney



93	Vote:	AYE	NAY
94			
95	Mayor Wilkins	_____	_____
96	Commissioner Vargas	_____	_____
97	Commissioner Ratica	_____	_____
98	Commissioner Holland	_____	_____
99	Commissioner Spratt	_____	_____
100			

## EXHIBIT A

## THE LABELLE CODE

## CHAPTER 11 - LICENSES AND BUSINESS REGULATIONS

## ARTICLE V. STREET VENDING

**Sec. 11-121. Purpose and intent.**

~~The purpose of this article is to promote public interest and economic development opportunities for the City of LaBelle by providing for an active and attractive pedestrian environment while protecting the health, safety and welfare of its residents.~~

~~Vending operations as described in this article are not permitted on any publicly owned property including, but not limited to, sidewalks, rights of way or parks, except as provided for in section 11-124, Exemptions.~~

**Sec. 11-122. Definitions.**

~~*Mobile vending cart.* An accessory use, consisting of a portable stand and any related accessory appurtenances such as an awning, canopy, or seating, used for the retail sales of goods including, but not limited to, beverages, food, and flowers.~~

~~*Mobile vending trailer.* A mobile trailer operated by a vendor standing on or within the frame of the trailer.~~

~~*Mobile vending vehicle.* Same as above, only motorized.~~

~~*Sidewalk vending.* The peddling, vending, selling, displaying or offering for sale, any item of tangible personal property or other thing of value from a mobile vending cart, by a vendor, to persons on the public right of way, including sidewalks.~~

~~*Street vending.* The peddling, vending, selling, displaying or offering for sale, any item of tangible personal property or other thing of value from a mobile vending trailer or vehicle on the public rights of way, between the curblines, by a vendor, to persons on the sidewalk.~~

~~*Vendor.* Any person or entity that exhibits, displays, offers for sale or sells any food, beverages, goods, wares or merchandise from a mobile vending cart, mobile vending vehicle, or mobile vending trailer.~~

**Sec. 11-123. Permits, application and insurance.**

~~(a) *Special exception permit required.* It shall be unlawful for any person to engage in the business of vending without first obtaining a special exception approval by the city commission.~~

~~(1) A special exception issued under this section shall permit the applicant to conduct operations at the vendor site designated in the permit and only at this site.~~

~~(2) Every special exception shall be nonassignable and nontransferable.~~

~~(3) Proof of special exception approval shall be carried with the vendor when he/she is engaged in vending.~~

~~(4) If the vendor is engaged in the sale of food and beverage for human consumption, a certificate of health inspection shall also be properly and conspicuously displayed at all times during the operation of business.~~

~~(5) Expiration and renewal. The special exception shall require review and renewal by the city commission each year on the anniversary date of the issuance of the permit. Application for renewal must be received no later than the expiration date of the current permit. Any application received after that date shall be processed as a new application.~~

~~(b) Application. In addition to the criteria established in Appendix B, subsection 4-41(b), the special exception application must provide the following information:~~

~~(1) Name and description of the applicant;~~

~~(2) Contact information of the applicant;~~

~~(3) A brief description of the nature of the business and the goods to be sold;~~

~~(4) A certificate of health inspection, or other required inspection, if applicable;~~

~~(5) The proposed method of operation, length of time desired to do business, if a motorized vehicle is to be used, a description of such vehicle, including license number and other means of identification;~~

~~(6) The place where the goods are to be sold, to include the physical location of the vending vehicle;~~

~~(7) Proposed hours of operation; and~~

~~(8) Payment of application fees.~~

~~(c) Insurance.~~

~~(1) Prior to operation, vendors shall obtain any necessary licenses, permits and tax information from appropriate governmental agencies.~~

~~(2) Vendor applicants shall be required to maintain in full force and effect, comprehensive general liability insurance with liability limits of not less than five hundred thousand dollars (\$500,000.00) for the term of the permit.~~

~~(3) Vendors that are engaged in low-risk endeavors such as advertising or advocacy, involving no physical equipment, displays or distribution of ingestible/inhalable items, shall be permitted to sign a hold harmless agreement in lieu of meeting the insurance requirements above. The city attorney shall make a determination if the hold harmless agreement is sufficient based on information supplied by the applicant.~~

~~(4) Once the permit is issued, the applicant has an affirmative duty to maintain all applicable licenses and certifications and to notify the city in writing of any material change in the information provided by the applicant in the original application.~~

~~(5) The applicant shall immediately notify the city of a lapse in insurance coverage.~~

#### **Sec. 11-124. Exemptions.**

~~(a) The provisions of this article do not apply to the following:~~

(1) ~~Goods, wares or merchandise temporarily deposited on the sidewalk in the ordinary course of delivery, shipment or transfer.~~

(2) ~~The placing and maintenance of unattended stands or sales devices for the sale, display or offering for sale of newspapers, magazines, periodicals and paperbound books.~~

(3) ~~Special events authorized by a temporary use permit by the city in accordance with section 4-83 of the Land Development Code.~~

(4) ~~The distribution of free samples of goods, wares and merchandise by any individual from his person.~~

(b) ~~Claims of exemption.~~ Any person claiming to be legally exempt from the regulations set forth in this article shall demonstrate the statute or legal authority under which the exemption is claimed and shall provide to the city proof of qualification of such exemption.

#### **Sec. 11-125. General restrictions.**

(a) ~~Size restrictions.~~

(1) ~~Mobile vending cart/handcart/pushcart.~~ Dimensions shall not exceed five (5) feet in width, nine (9) feet in length, seven (7) feet in height (exclusive of canopies or umbrellas), and must be able to be pushed by one (1) person.

(2) ~~Mobile vending trailer/stand/vehicle.~~ Dimensions shall not exceed sixteen (16) feet in length and eight (8) feet in height.

(b) ~~Location restrictions.~~ No vendor shall be permitted to operate in the following locations:

(1) ~~Within an R (residential) zoning district;~~

(2) ~~Within twenty (20) feet of any street intersection or pedestrian crosswalk;~~

(3) ~~Within fifteen (15) feet of any driveway, loading zone or bus stop;~~

(4) ~~Within fifteen (15) feet of a building entrance;~~

(5) ~~On the median strip of a divided roadway;~~

(6) ~~Against display windows of a fixed location business;~~

(7) ~~Any area within one hundred (100) feet of a hospital, college, elementary school, middle school or high school;~~

(8) ~~Within twenty (20) feet of any fire hydrant or fire escape; or~~

(9) ~~Within ten (10) feet of any parking space or access ramp designed for persons with disabilities.~~

(c) ~~Hours of operation.~~ Hours of operation shall be limited to between the hours of 6:00 a.m. to 9:00 p.m., unless otherwise restricted by special exception.

#### **Sec. 11-126. Littering and trash removal.**

(1) ~~Vendors shall be responsible for keeping sidewalks within fifteen (15) feet of their stands clean of all trash generated by their vending operations.~~

- (2) ~~Vendors must take with them at the end of each day, all trash, litter, garbage, refuse and waste generated by their vending operations. No vendor may use any public receptacle or receptacle on private property without the express permission of the property owner.~~

**~~Sec. 11-127. Prohibited conduct.~~**

- (a) ~~No vendor shall:~~

- ~~(1) Unduly obstruct pedestrian or motor vehicle traffic flow, except for up to ten (10) minutes to load/unload vending stations and/or merchandise;~~
- ~~(2) Obstruct traffic signals or regulatory signs;~~
- ~~(3) Leave any stand unattended at any time;~~
- ~~(4) Connect to utility services without the express permission of the property owner;~~
- ~~(5) Provide off cart signage; and~~
- ~~(6) [Make] excessive noise as described and enforced in chapter 12, article II, division I, of the Code of Ordinances.~~

- (b) ~~Vendors shall be limited to the display or sale of products or services as specified by their special exception approval.~~

**~~Sec. 11-128. Suspension and revocation of permit.~~**

- (a) ~~[Reasons for suspension or revocation.] In addition to the penalties punishable as set forth in the City of LaBelle Code of Ordinances, any permit issued under these regulations may be suspended or revoked for any of the following reasons:~~

- ~~(1) Fraud, misrepresentation, or knowingly making a false statement contained in the application, presented at the special exception public hearing, or presented in the course of carrying on the business of vending;~~
- ~~(2) Conducting the business of vending in any manner contrary to the conditions of the permit;~~
- ~~(3) Conducting the business of vending in such a manner as to create a public nuisance, cause a breach of the peace, constitute danger to public health, safety, welfare or morals, or interfere with the rights of property owners; or~~
- ~~(4) Cancellation of health department authorization for food or beverage vending.~~

~~The vendor's cart/trailer/vehicle may be impounded by code enforcement if the vendor is found to be operating without a permit.~~

- (b) ~~Notification of suspension or revocation. Code enforcement may conduct site checks to determine if vendors are in compliance with the Code. Upon inspection, vendors will be issued a site check notification letter which indicates specific violations. Vendors will be given five (5) working days to correct cited violations. If the violation is not corrected within the five (5) days, the permit may be revoked by code enforcement.~~

- (c) ~~Appeal process. A vendor may appeal the revocation to the city council within thirty (30) days. The city council's decision will be deemed final. An appeal of the city council's final decision may be filed in a court of competent jurisdiction as an appeal of a final order.~~

\*\*\*\*\*

## APPENDIX B - LAND DEVELOPMENT CODE

### CHAPTER 4 - ZONING

#### ARTICLE V. - SUPPLEMENTARY DISTRICT REGULATIONS

**Sec. 4-78 through Sec. 4-91. [NO CHANGES]**

#### **Sec. 4-92. Mobile Food Vending.**

##### **Sec. 4-92.1. Intent and applicability.**

- (a) The City of LaBelle recognizes that the use of mobile food vending, commonly referred to as “food trucks”, is temporary and mobile in nature. These regulations are intended to define the appropriate locations and minimum required development standards for a site to be permitted for mobile food vendors. The standards established in these regulations are intended to allow mobile food vendors to operate while mitigating impacts to the site in which they operate and adjacent properties and rights-of-way. These regulations do not address mobile food carts, or mobile vendors that visit sites to temporarily vend for a period of minutes and not days or hours (i.e. ice cream trucks, construction or work site vendors). These vehicles are permitted by other agencies and cannot operate in the same manner as a mobile food vendor.
- (b) No mobile food vendor location is permitted without an approved administrative permit from the City. Such a permit may only address the location and operational standards relating to the location. Food vendors are required to provide evidence of all applicable inspections and permits with the City required by other governmental agencies, and which are not regulated through this Section.
- (c) Property owners that have a Special Exception approved by the City Commission for mobile food vending permitted before August 14 2025, may continue to have a mobile food vendor on that site for the duration authorized by the Special Exception resolution.
- (d) Exemptions. The provisions of this Section do not apply to the following:
  - i. Goods, wares or merchandise temporarily deposited on the sidewalk in the ordinary course of delivery, shipment or transfer.
  - ii. The placing and maintenance of unattended stands or sales devices for the sale, display or offering for sale of newspapers, magazines, periodicals and paperbound books.
  - iii. Special events authorized by a temporary use permit by the City in accordance with Section 4-83 of the Land Development Code.

##### **Sec. 4-92.2. Definitions.**

The following words, terms and phrases, when used in this subdivision, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Commissary means an approved facility that provides support services for specific required functions of a mobile food vendor, including, but not limited to, mobile food vehicles and mobile food carts. Any food establishment permitted or licensed by a regulatory agency, such as a catering operation, restaurant, grocery store or similar establishment or any otherwise approved facility by FDACS in which food, containers, or supplies are kept, handled, prepared, packaged or stored can be considered for approval as a commissary. When not required at the mobile food establishment, commissaries may provide a three (3) compartment sink for washing, rinsing and sanitization of equipment/utensils in addition to hand wash and rest room facilities. Services required of the commissary will be based on the food sold and the mobile food establishment type and capabilities. A private residence may not be used as a commissary (See Chapter 500, Florida Statutes).

Food stand means a temporary, non-motorized food unit with limited infrastructure, which serves food and/or beverage intended for immediate consumption and does not provide indoor seating.

Mobile food cart means any non-motorized mobile food unit with limited infrastructure, which serves food and/or beverages intended for immediate consumption. Mobile food carts may not exceed six (6) feet in length, three (3) feet in width (exclusive of wheels), or four (4) feet in height (exclusive of wheels and umbrellas), and must be able to be pushed by one (1) person.

Mobile food vehicle means a motorized mobile food unit commonly referred to as a food truck, which may be self-sufficient in terms of potable water, sanitary sewer and electric utilities, and generally consists of an enclosed truck, trailer or similar vehicle, where food may be stored, prepared, cooked, and/or served. An open bed truck, van or converted automobile is not considered a mobile food vehicle and is not eligible for a mobile food vending permit pursuant to this division. Dimensions shall not exceed sixteen (16) feet in length and eight (8) feet in height.

Mobile food vendor means any person or business selling foods other than fresh fruits or vegetables from a mobile food vehicle, mobile food cart or food stand.

**Sec. 4-92.3. Permit required.**

(a) No mobile food vendor shall be permitted to operate within the City unless a permit has been obtained for the proposed location upon which the vendor will operate, and subject to the following:

- i. A permit issued under this section shall permit the applicant to conduct operations at the vendor site designated in the permit, and only at this site.
- ii. Every permit shall be non-assignable and nontransferable to another mobile food vendor.
- iii. Proof of permit approval shall be carried with the vendor when he/she is engaged in vending.
- iv. If the vendor is engaged in the sale of food and beverage for human consumption, a certificate of health inspection shall also be properly and conspicuously displayed at all times during the operation of business.
- v. Expiration and renewal. The permit shall require review and renewal by the City each year on the anniversary date of the issuance of the permit. Application for

renewal must be received no later than the expiration date of the current permit.  
Any application received after that date shall be processed as a new application.

(b) Permit submittal requirements:

- 1) Completed application form provided by the City.
- 2) Signed authorization from the property owner or authorized representative.
- 3) Proof of insurance for the property, issued by an insurance company that is licensed to do business in the state.
- 4) Site plan based on a valid survey, approved development order, or master concept plan with dimensions and infrastructure identified, including the proposed location of the mobile food vendor in relation to property lines. The plan must depict the location of all sidewalks, driveways/access points to the site, rights-of-way, parking areas, outdoor seating areas, and entry location to the principal building(s) on the site.
- 5) If required parking spaces are to be utilized, the application must provide the times principal businesses use those spaces, and the proposed times the spaces would be used for mobile food vending.
- 6) A brief description of the nature of the business and the goods to be sold;
- 7) Proposed hours of operation; and
- 8) Payment of application fees.

If a permit holder is found to operating inconsistent with the standards of the permit, as documented by a violation notice by the City's Code Enforcement Officer, the permit may be suspended or revoked by the Special Magistrate or City Commission after hearing evidence of the violation in a public hearing. The burden to maintain the permit will be with the permit holder.

**Sec. 4-92.4. General locational standards.**

- (a) The following standards apply to the general location and siting of mobile food vending on a property:
  - i. Eligible sites must be zoned B-2, B-3, I-1A, I-2 or PUD.
  - ii. Locations must not interfere with vehicular access, multi-modal and pedestrian access such as sidewalks, and access ways.
  - iii. This use cannot be located in a required parking space or driveway, unless it is specifically demonstrated the parking or driveway is not used during the time and/or days the mobile food vendor location is permitted.
  - iv. This use must be located on property or within a development with completed infrastructure improvements, and not on a vacant lot or the site of an abandoned/permanently closed principal business.
  - v. All mobile food vendors shall be located in areas and in a manner that they do not create an adverse view or vista. More specifically, the food truck or anything associated with its operation shall block the view of signs or vehicular or multi-modal access ways.
  - vi. A mobile food vending permit cannot be approved on abutting property, or within 250 feet of another permitted location for mobile food vending, whichever is more stringent.



**Sec. 4-92.5. Prohibited locations.**

(a) Mobile food vending is expressly prohibited on all parcels within a residential zoning district or parcels with existing residential uses, except as authorized under this Code pursuant to the special event or temporary use permit. Notwithstanding, mobile food vending may also be authorized at clubhouse or other portion of a residential community separate from the residences with the authorization of the homeowners association.

(b) Mobile food vending is prohibited within the Downtown Business District on the official Zoning Map, except as authorized in LDC Section 4-83 and under this Code pursuant to a special event or temporary use permit, or a Special Exception approved by the City Commission in accordance with LDC Section 3-21.

**Sec. 4-92.6. General operational standards.**

(a) The following standards apply to the general operations of the mobile food vending use:

- i. No more than one (1) mobile food vendor can be permitted on a single site. For purposes of this specific requirement, a site includes an entire commercial development as delineated on the site construction permit, even if that development consists of more than one parcel.
- ii. The mobile food vending vehicle must be removed from the site when not operational. In no case shall hours of operation exceed 7 a.m. to 10 p.m., Monday through Thursday, and 10 a.m. to 8 p.m. on Sundays.
- iii. The mobile food vending vehicle, cart or stand must adhere to all principal structure setbacks of the underlying zoning district, and any overlay districts, where applicable.
- iv. Advertising signs may be permitted upon the mobile food vending vehicle, cart or food stand, but there will not be additional signage installed in any other location, except for one (1) A-frame or sandwich board sign, limited to ten (10) square feet, and only displayed when the mobile food vendor is on-site.
- v. The mobile food vending vehicle, cart or food stand must be removed at the end of permitted operating hours on a daily basis.
- vi. Vendors shall be responsible for keeping sidewalks within fifteen (15) feet of their stands clean of all trash generated by their vending operations. Vendors must take with them at the end of each day, all trash, litter, garbage, refuse and waste generated by their vending operations. No vendor may use any public receptacle or receptacle on private property without the express permission of the property owner.
- vii. No piped/amplified music is permitted from the mobile food vending vehicle, cart or food stand or associated speakers.
- viii. No outdoor seating ancillary to the mobile food vending operation is permitted.
- ix. Alcohol shall not be sold or consumed from a mobile food vendor.

**Sec. 4-92.7. Review criteria and enforcement.**

- (a) The Director of Public Works shall not issue an administrative permit for mobile food vending unless the application demonstrates the following criteria are met:
- i. The use does not impact safe traffic ingress and egress to the site, and internal to the site, including pedestrian traffic.
  - ii. The use will not cause visual blight to the abutting properties and rights-of-way.
  - iii. The use will be compatible with abutting properties.
  - iv. The use meets all operational, separation and locational criteria set forth herein.
  - v. The location of the use and operations will not negatively impact public health, safety or welfare.
- (b) This section shall be enforced by the Code Enforcement Official in accordance with the process and procedures of this Code.



**CITY OF LABELLE, FLORIDA**  
**Planning Staff Report**  
**For**  
**Annexation, Comprehensive Plan Amendment,**  
**and Planned Unit Development PUD Rezone**

**TYPE OF CASE:** Annexation, Comprehensive Plan Amendment, & PUD Rezone

**STAFF REVIEWER:** Patty Kulak

**DATE:** June 12, 2025

**APPLICANT:** Dan-Nico Properties

**AGENT:** Justyna Gale, Forward Planning & Design

**REQUEST:** Annex a 26.12± acre property from unincorporated Hendry County into the City of LaBelle municipal boundary; amend the City of LaBelle Comprehensive Plan Future Land Use Map designation from Hendry County "High Density Residential" to the City of LaBelle "Outlying Mixed Use"; and rezone the subject property from Hendry County General Agriculture (A-2) to the City of LaBelle Planned Unit Development (PUD) zoning district, to facilitate development of a mixed-use community known as The Residences at Grand Oaks.

**LOCATION:** 2250 State Road 29

**PROPERTY SIZE:** 26.26+/-acres

**FUTURE LAND USE DESIGNATION, CURRENT ZONING AND LAND USE:**

Existing Future Land Use Designation:	High Density Residential ( <i>Hendry County</i> )
Existing Zoning:	A-2 ( <i>Hendry County</i> )
Land Use:	Vacant / Agricultural

**SURROUNDING LAND USE:**

<b>North:</b>	FLU –	Employment Village
	Zoning –	Agriculture (Ag)
	Land Use –	Vacant / Agricultural

South:	FLU –	Residential
	Zoning –	Residential (R-3)
	Land Use –	Multifamily Residence
East:	FLU –	Employment Village
	Zoning –	DG Lender Planned Unit Development (PUD)
	Land Use –	Undeveloped
West:	FLU –	South LaBelle Community
	Zoning –	Agriculture
	Land Use –	Undeveloped

**STAFF NARRATIVE:**

Dan-Nico Properties (“Applicant”) is requesting approval to:

1. Annex 26.26+/- acres from unincorporated Hendry County into the City of LaBelle municipal boundary;
2. Amend the City of LaBelle Future Land Use Map to designate the subject property to the City’s Outlying Mixed-Use future land use category;
3. Rezone the subject property to the City’s Planned Unit Development (PUD) zoning district. The PUD will consist of a phased development including a total of 408 affordable, multi-family dwelling units, 10,000 square feet of commercial uses, and 5,000 square feet of on-site amenities.

**BACKGROUND**

The subject property consists of approximately 26.26 acres of vacant land located within unincorporated Hendry County and is contiguous to the City of LaBelle municipal boundaries on all sides (north, east, south, and west). The property includes approximately 0.63 acres of wetlands, which will remain undisturbed as part of the proposed development. Additionally, the site hosts a small population of protected gopher tortoises. A formal wildlife survey will be required prior to site development to determine the number of tortoises and to secure appropriate relocation permits from regulatory agencies.

According to the Hendry County Future Land Use Map, the property is designated as High Density Residential. The current zoning classification for the property under Hendry County’s zoning regulations is General Agricultural (A-2).

**ANNEXATION REQUEST**

The Applicant’s Voluntary Annexation Petition meets the stated annexation rules outline in Chapter 171, Part II, Florida Statutes as follows:

- The Property boundary is contiguous to the City of LaBelle municipal boundary, which runs along the eastern, western, northern, and southern property boundaries.
- The Property is intended for development of urban land uses (multifamily with 10,000 SF of commercial), as demonstrated through the concurrent Comprehensive Future Land Use Map Amendment and PUD rezoning request.

The Property will not create an enclave, or isolated area of unincorporated lands surround by City lands, per Section 171.031(13), Florida Statutes. In fact, the annexation will resolve the site’s current status as an enclave.

Based on the above analysis the application meets the criteria for annexation into the City of LaBelle municipal boundary.

**COMPREHENSIVE PLAN AMENDMENT REQUEST**

The subject property currently has a Hendry County Future Land Use designation of High Density Residential, permitting residential development at a maximum density of 15 dwelling units per acre. The applicant has filed for annexation into the City of LaBelle, accompanied by a request for a Comprehensive Plan Amendment to designate the property within the City's Outlying Mixed Use future land use category. This category provides for residential development at a base density of six (6) dwelling units per acre, with provisions available for bonus density upon meeting specific criteria outlined in the Comprehensive Plan.

Concurrent with the Comprehensive Plan Amendment, the applicant has submitted a rezoning request to establish a Planned Unit Development (PUD) zoning district. The proposed PUD, named Residences at Grand Oaks, encompasses a mixed-use project consisting of 408 affordable multi-family residential units, approximately 10,000 square feet of neighborhood-oriented commercial space, and approximately 5,000 square feet of on-site amenities such as a clubhouse, community park, and recreational facilities. The project is proposed to be completed in two development phases.

The proposed residential density for the project, approximately 16 dwelling units per acre, requires approval of bonus density. The applicant's justification for bonus density includes providing affordable housing units, site design considerations that promote pedestrian access and connectivity, preservation of approximately 0.63 acres of wetlands, and the establishment of publicly accessible civic and open space areas. Additionally, the applicant plans for the preservation of existing significant oak trees and environmentally sensitive areas identified on-site.

The affordable housing commitment includes renting 100% of the proposed dwelling units to households earning less than 80% of the Area Median Income (AMI). This would result in a maximum monthly rental rate of \$ 1,282 for a 2-bedroom unit based upon the 2025 Hendry County approved “Income Limits and Rent Limits” published by the Florida Housing Finance Corporation.

The property has direct frontage and access onto State Road 29, classified as an arterial roadway with capacity anticipated to support the proposed development. Utility services, including potable water and future sanitary sewer, are available or planned to be provided to meet required level-of-service standards for the proposed uses.

Environmental assessments conducted for the property indicate the presence of protected gopher tortoises. Prior to any site development activities, a formal wildlife survey and appropriate relocation permits will be required in accordance with applicable regulatory guidelines.

Adjacent existing and future land uses include the Employment Village category to the north and east, and the South LaBelle Community future land use category to the west. The proposed Outlying Mixed Use category serves as a transitional land use category between these areas, providing for compatible residential and neighborhood-oriented commercial uses along the SR 29 corridor.

**PUD REZONING REQUEST**

The subject property, approximately 26.26 acres in size, is currently zoned General Agricultural (A-2) under Hendry County regulations. Agricultural zoning is primarily suited for agricultural activities and does not align with the proposed mixed-use residential and neighborhood commercial development along State Road 29. The applicant is requesting rezoning to the City of LaBelle’s Planned Unit Development (PUD) zoning district, consistent with the proposed Outlying Mixed Use future land use category.

The proposed PUD will enable development of a mixed-use project known as The Residences at Grand Oaks, featuring a phased development approach:

- Phase 1 & 2: Includes 288 multi-family dwelling units and 10,000 square feet of neighborhood-oriented commercial uses.
- Phase 3: Proposes an additional 120 multi-family dwelling units.

Total residential units will be 408 dwelling units, complemented by 5,000 square feet of community amenities including a clubhouse and recreational facilities, and 10,000 square feet of neighborhood-oriented commercial uses. As noted above, all units must meet conditions relating to affordability to meet the Outlying Mixed Use bonus density criteria.

**Access**

Primary access to the property will be provided via State Road 29, an arterial roadway, with driveway connections subject to review and approval by the Florida Department of Transportation (FDOT). A submitted Traffic Impact Study confirms adequate capacity and infrastructure to support proposed access points along SR 29. All ingress/egress points will adhere to applicable FDOT and City requirements to maintain traffic safety and operational efficiency.

**Landscape Buffers**

The development will incorporate landscape buffers to enhance compatibility and visual aesthetics:

- External roadway frontage buffers: A minimum buffer width of 30 feet along State Road 29 will be provided, featuring enhanced landscaping consistent with the City’s regulations for gateway corridors.
- Internal buffers: A minimum of 20-foot-wide landscaped buffers and setbacks will be provided between residential and commercial uses, ensuring internal compatibility.
- Preservation of significant oak trees, including multiple large oaks identified onsite (ranging from 14 inches to 48 inches DBH), is proposed to be incorporated into buffer areas and open spaces to maintain existing natural aesthetics.

**Compatibility**

The proposed development includes specific development regulations to ensure compatibility internally and with surrounding uses. The submitted Schedule of Uses limits commercial activities to neighborhood-oriented and compatible uses, such as business and medical offices, personal services, pharmacies, retail sales, and restaurants (subject to additional review for alcohol service). Residential

uses are limited to multi-family dwellings, designed with Old Florida Vernacular architectural elements to blend into the local character.

Enhanced setbacks, landscape treatments, and building separation standards outlined in the applicant's development regulations (Exhibit C) are proposed to address compatibility with adjacent residential developments and potential future employment-oriented uses nearby. The development's internal design incorporates pedestrian walkways, parks, and civic spaces, promoting connectivity and a cohesive community environment.

Service availability letters from Hendry County School District and Hendry County Sheriff's Office confirm adequate capacity for educational services and public safety.

Overall, the proposed Residences at Grand Oaks PUD will provide a mixed-use, pedestrian-oriented affordable residential community compatible with existing and planned surrounding land uses, supported by suitable infrastructure, landscape buffering, and carefully defined development regulations.

**Comprehensive Plan Consistency:**

The request is consistent with the following objectives and policies of the City's Comprehensive Plan as follows:

**Future Land Use Policy 1.2.1**

The PUD will provide opportunities for planned growth and support the expansion of the local economy and anticipated population growth in the South LaBelle Village area, which is targeted for long-term growth.

**Policy 1.3.2 Outlying Mixed Use Land Use Category**

The proposed Outlying Mixed Use Future Land Use Category is appropriate for the subject property, given its proximity and transitional role between the Employment Village designation to the north and east and the South LaBelle Community category to the west. This category supports a balanced mix of residential and neighborhood-oriented commercial uses suitable along the SR 29 corridor, contributing positively to the economic and land use continuity of the City.

The Outlying Mixed-Use Category provides opportunities for integrated, planned developments featuring a combination of land uses. Predominantly residential, the category also allows for neighborhood commercial uses, provided they comply with the applicable development standards. The City's Comprehensive Plan states that no more than 30% of this category may be single-use commercial development, and no more than 70% single-use residential, calculated on a city-wide basis. The proposed mixed-use project at Grand Oaks, with 408 residential units and 10,000 square feet of neighborhood-oriented commercial space, complies with these standards.

Staff finds that the proposed mix of residential units, commercial uses, and community amenities aligns consistently with the intent of the City's Outlying Mixed-Use category and contributes to balanced and compatible growth along the SR 29 corridor.

Based on the criteria set forth in the City of LaBelle's Comprehensive Plan for granting bonus density within the Outlying Mixed Use future land use category, the applicant is requesting to increase the allowable residential density from the base of 6 units per acre to a maximum of 16 units per acre. The

project site totals approximately 26.26 acres, which would allow for a base density of 157 dwelling units. The applicant is requesting a total of 408 dwelling units, which equates to approximately 15.54 dwelling units per acre.

The justification for bonus density is summarized below:

Direct Access to Arterial Roadway: The project fronts directly onto SR 29, a designated arterial roadway, satisfying the access requirement.

Mixed-Use Development: The proposed project includes a combination of uses, 408 residential units, 10,000 square feet of neighborhood commercial, and 5,000 square feet of civic/amenity space, qualifying as a horizontally integrated mixed-use development.

Minimization of Impacts to Significant Oaks: The site plan preserves a heavily wooded area on the western portion of the site containing mature oak trees, as well as existing trees surrounding the on-site pond.

Publicly Accessible Civic Space: A civic space is proposed near the entrance, featuring benches, flagpoles, and a nature trail intended for public use.

Enhanced Architectural Design: Buildings will incorporate Old Florida vernacular elements, such as pitched roofs, covered walkways, and decorative architectural features.

Enhanced Landscape Design: The applicant proposes landscaping that exceeds minimum code requirements, particularly in pedestrian areas and buffer zones.

Compatibility Measures: The project incorporates buffers and setbacks that exceed minimum requirements, especially where adjacent to existing single-story residential development. Building height is limited to three-story structures (maximum 36 feet).

Based on the information provided and the project’s response to the bonus density criteria, the application meets the conditions necessary to request bonus density up to the maximum of 16 units per acre as permitted under the Comprehensive Plan.

**Traffic Circulation Element Policy 2.5.2 & 2.5.3**

The applicant has submitted a Traffic Impact Study (TIS) for the proposed project, demonstrating that adjacent roadway segments along State Road 29 will continue to operate at an acceptable Level of Service with the proposed project impacts. Specific requirements for driveway access and potential turn-lane improvements will be evaluated in coordination with the Florida Department of Transportation (FDOT) during the permitting phase. At this time, the analysis provided does not indicate the need for significant off-site roadway capacity improvements.

**Infrastructure Element Policy 4.1**

Currently, utilities are available near the property; however, extension of utility lines will be required to serve the proposed residential and commercial development. The applicant is responsible for the cost of extending the potable water and sanitary sewer infrastructure to serve the property per Staff conditions of approval. Prior to construction, the applicant will be required to demonstrate adequate infrastructure capacity and confirm service availability from the City of LaBelle through the site construction permitting process.



# **Infrastructure Element Policy 4.3.2 (Surface Water & Groundwater Quality)**

The Master Concept Plan provided by the applicant indicates stormwater management facilities will be located on-site to provide water quality treatment and attenuation. These facilities include water management lakes, which will serve dual purposes of stormwater management and on-site fill. Stormwater discharge from the project site is planned to be directed toward the existing conveyance ditch along the eastern boundary of the property, following appropriate permitting and water quality standards.

## **STAFF RECOMMENDATION**

Staff finds that the proposed annexation; Comprehensive Plan Amendment to designate the property within the City's Outlying Mixed Use future land use category; and rezoning to the Planned Unit Development (PUD) zoning district is consistent with the City of LaBelle's Land Development Code and Comprehensive Plan, and recommends APPROVAL, subject to the following conditions:

1. The PUD zoning approval applies specifically to the subject property as described in Exhibit 'A'.
2. Allowable uses shall be limited to those specified in the approved Schedule of Uses (Exhibit 'B').
3. Development shall conform to standards identified in the Development Regulations Table (Exhibit 'C').
4. All development must adhere to the design and phasing detailed in the approved Master Concept Plan (MCP), identified as Exhibit 'D', and comply with applicable City Land Development Code regulations.
5. The maximum permitted number of residential dwelling units shall not exceed 408 units. Commercial development shall be limited to a maximum of 10,000 square feet. Residential amenities shall not exceed 5,000 square feet.
6. 100% of the dwelling units will be rent restricted for households earning up to and including 80% Area Median Income (AMI) for Hendry County.
7. Any time that a unit becomes vacant, the next available unit will be offered to a qualifying household subject to the specified thresholds. This restriction shall remain in place for no less than thirty (30) years from the date of the issuance of the first Certificate of Occupancy. AMI income limits and rent limit adjustments will be made on an annual basis according to the most recent Hendry County approved "Income Limits and Rent Limits" published by the Florida Housing Finance Corporation. See table below depicting the current 2025 limits:

County (Metro)	Percentage Category	Income Limit by Number of Persons in Household										Rent Limit by Number of Bedrooms in Unit					
		1	2	3	4	5	6	7	8	9	10	0	1	2	3	4	5
Hendry County	30%	15,650	21,150	26,650	32,150	37,650	41,300	44,150	47,000	Refer to HUD		391	460	666	872	1,032	1,139
	50%	24,950	28,500	32,050	35,600	38,450	41,300	44,150	47,000	49,840	52,688	623	668	801	925	1,032	1,139
	80%	39,900	45,600	51,300	56,950	61,550	66,100	70,650	75,200	79,744	84,301	997	1,068	1,282	1,481	1,652	1,823
	120%	59,880	68,400	76,920	85,440	92,280	99,120	105,960	112,800	119,616	126,451	1,497	1,603	1,923	2,221	2,478	2,734
Median: 62,400	140%	69,860	79,800	89,740	99,680	107,660	115,640	123,620	131,600	139,552	147,526	1,746	1,870	2,243	2,591	2,891	3,190

8. The owner will include an annual report that provides the progress and monitoring of occupancy of the income-restricted units, including rent data for rented units, or homestead data for owner-occupied units, in a format approved by the City of LaBelle. The Owner agrees to annual on-site monitoring by the City, or its designee.
9. Development must connect to the City's potable water and sanitary sewer system. The developer shall be responsible for the extension of utilities to serve the subject property. Proof of adequate service capacity shall be required prior to issuance of site construction permits, including a hydrant system demonstrating adequate and continuous water flow for firefighting purposes.

10. Site construction plans must demonstrate the provision of an internal sidewalk and pedestrian network connecting residential units, amenities, commercial spaces, parking areas, and perimeter sidewalks.
11. Parking shall be provided on-site in accordance with the City's Land Development Code requirements for all residential and commercial uses.
12. Access to the property shall be from State Road 29, subject to approval by the Florida Department of Transportation (FDOT). This approval does not guarantee, or grant access as depicted on the MCP without FDOT approval.
13. A unified Master Signage Plan consistent with the City's Land Development Code shall be required at the time of site construction permitting to ensure cohesive signage design throughout the residential and commercial areas.
14. Consistent with LDC Sec. 4-93, the architectural theme for all non-residential buildings shall reflect an Old Florida vernacular style with inclusion of roof overhangs, porches, covered corridors, covered walkways, and pitched roofs
15. Residential structures shall also adhere to an Old Florida vernacular architectural style, incorporating at least three (3) of the following features: front porches, pitched and/or metal roofs, shutters, gabled rooflines, and paneled siding.
16. The developer/owner or established Property Owners Association (POA) shall maintain all common areas, infrastructure, amenities, parking facilities, and landscaped buffers. POA documentation, if applicable, must be provided at the site construction permitting phase.
17. Consistent with LDC 4-88 a minimum of 30% usable open space must be dedicated exclusively to passive and active recreation areas. This area shall exclude perimeter buffers, stormwater management areas, and other non-usable lands. The usable open space must include a clubhouse with swimming pool as shown on the MCP.
18. Dumpsters, recycling containers, and service areas must be set back a minimum of 25 feet from the PUD boundaries and appropriately screened with opaque walls or fencing.
19. Landscaping buffers shall be provided as follows, consistent with the approved Master Concept Plan:
  - A 20-foot-wide landscape buffer along the State Road 29 frontage with enhanced plantings per City requirements.
  - A Type B Option 2 Landscape buffer as outlines in LCD 4-80 Table L6 along the north and south properties lines.
  - Preservation of identified significant oak trees within open space areas and buffers.
20. Prior to site construction permitting, the developer shall complete required wildlife surveys, including gopher tortoise surveys, and obtain any necessary relocation permits from applicable regulatory agencies.
21. The City is conducting a risk assessment and capital planning for adequate fire protection. The project may be subject in the future to impact fees or capital assessments to address the project impact.
22. The approved PUD Master Concept Plan shall remain valid for five (5) years from the date of City Commission approval. Horizontal site construction must commence within this period, or the MCP shall expire. Extensions may be administratively approved once for an additional two (2) years; further extensions require City Commission approval.

### **SUGGESTED MOTION(S):**

### **APPROVAL:**

I make a motion to **APPROVE** annexation of the 26.26+/- acres from unincorporated Hendry County into the City of LaBelle municipal boundary; amend the City of LaBelle Future Land Use Map to

designate the subject property within the Outlying Mixed Use future land use category; and rezone the subject property to the Planned Unit Development (PUD) zoning district.

**DENIAL:**

I make a motion to **DENY** annexation of the 26.26+/- acres from unincorporated Hendry County into the City of LaBelle municipal boundary; amend the City of LaBelle Future Land Use Map to designate the subject property within the Outlying Mixed Use future land use category; and rezone the subject property to the Planned Unit Development (PUD) zoning district.

The request does not meet the annexation & rezoning criteria:

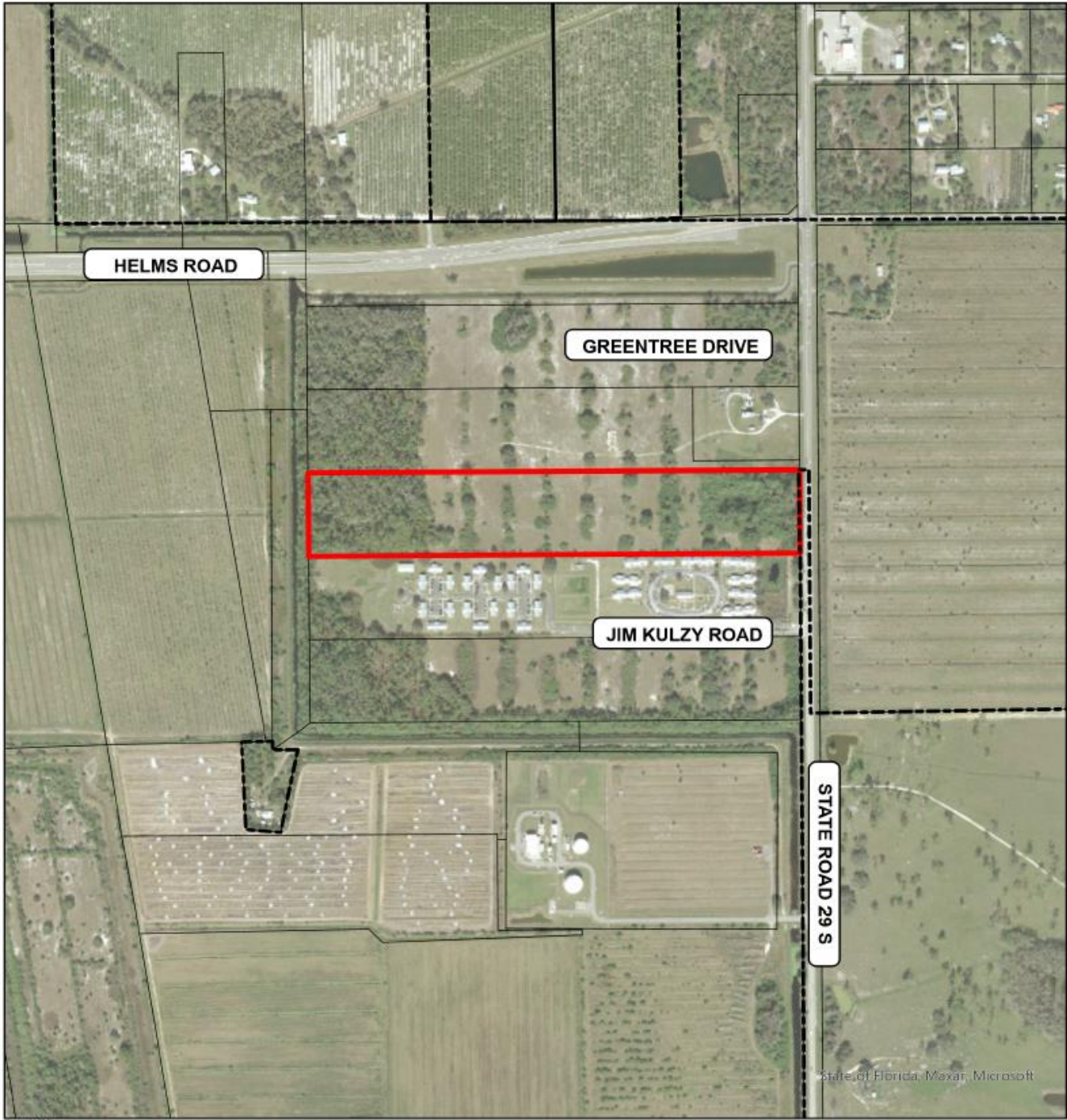
1)

**APPROVAL WITH CONDITIONS:**

I make a motion to approve Residences at Grande Oak Comprehensive Plan Amendment & PUD Rezone Amendment, with the following condition(s):

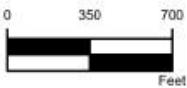
- 1) as outlined in the staff report;  
**OR**
- 2) as outlined in the staff report and amended as follows;  
**OR**
- 3) with the following conditions:

LOCATION MAP / EXISTING CITY LIMITS



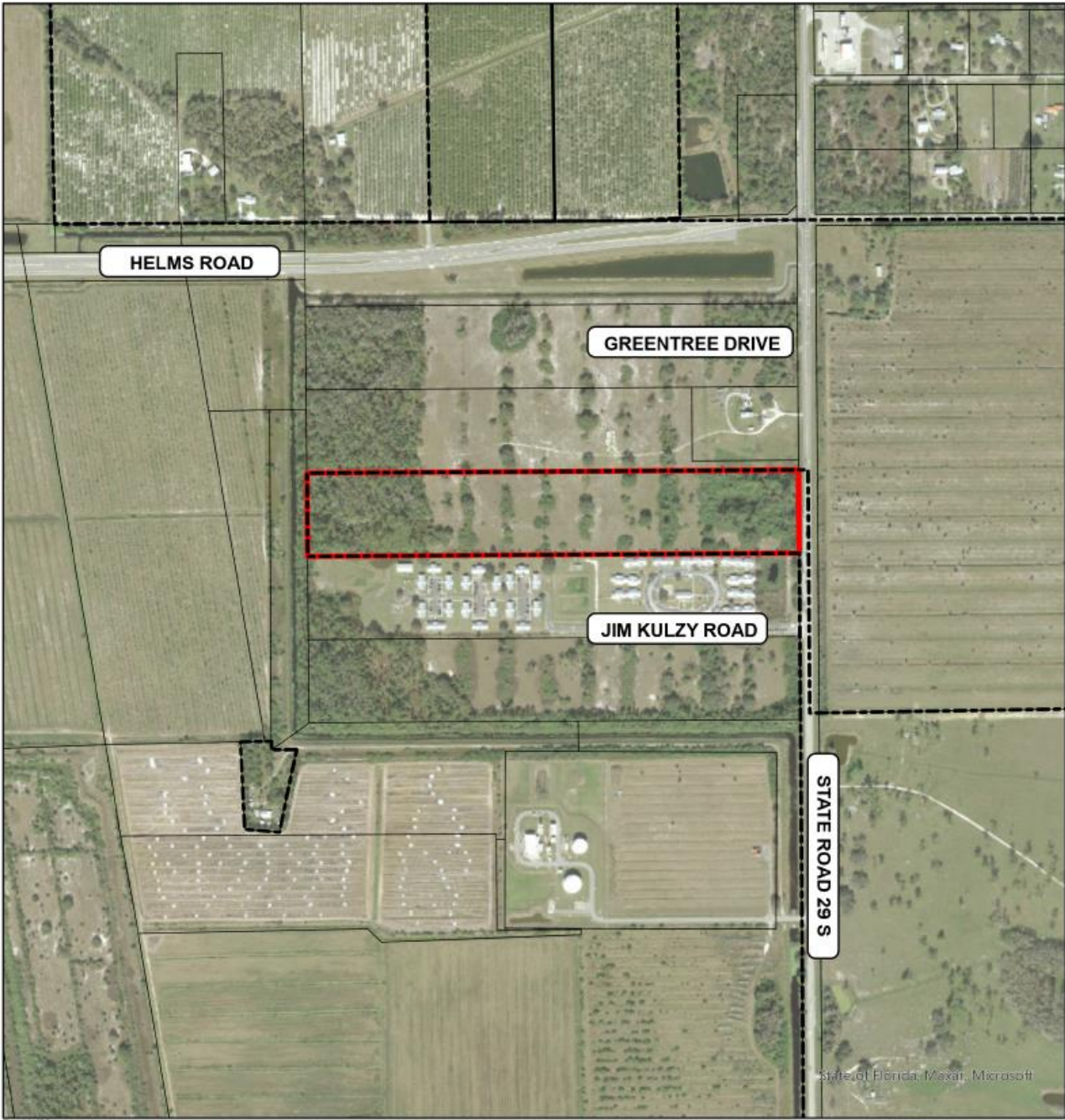
Legend

-  Subject Property
-  LaBelle City Limits
-  Parcels








PROPOSED CITY LIMITS

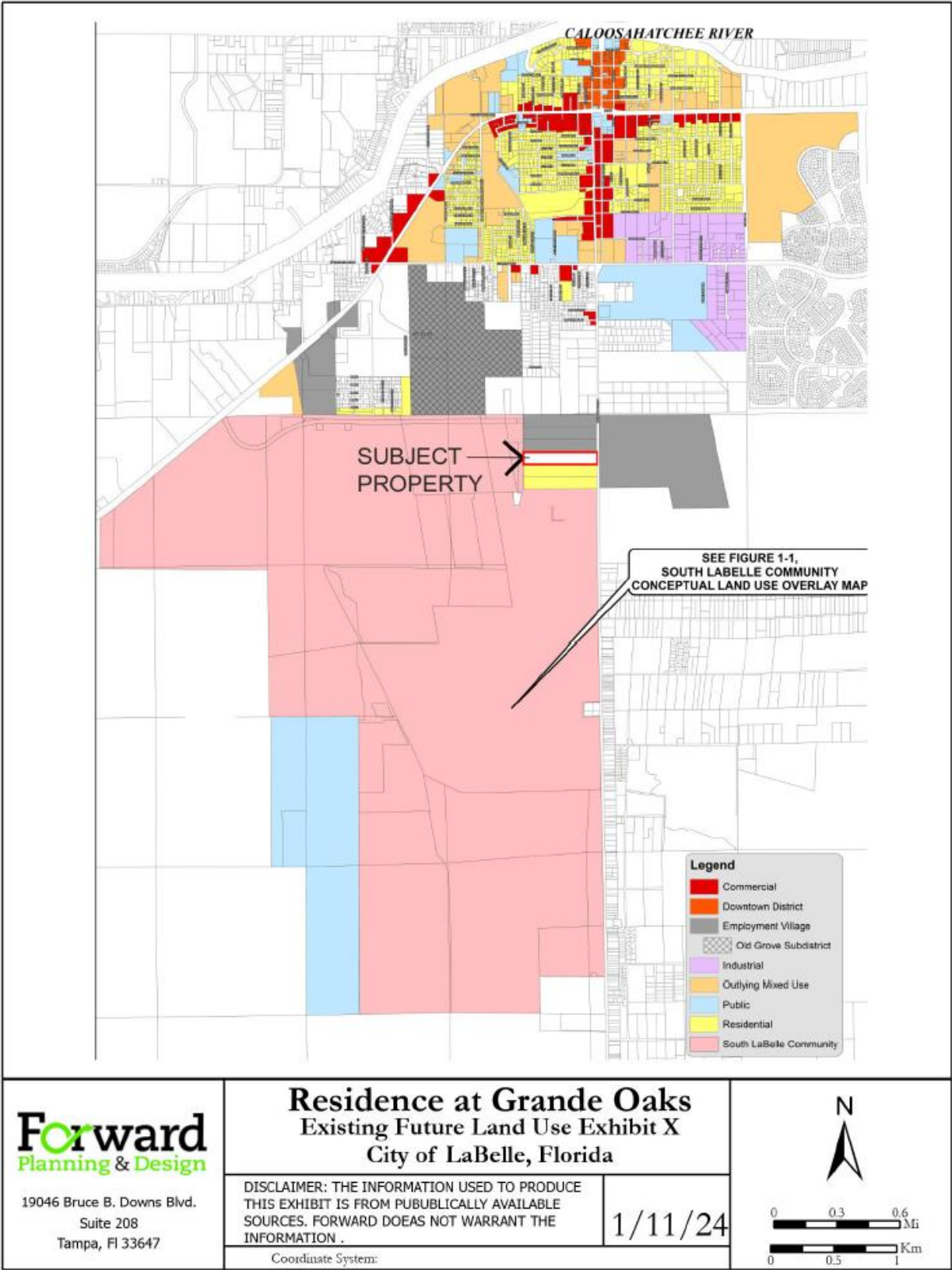


Legend

-  Subject Property
-  LaBelle City Limits
-  Parcels

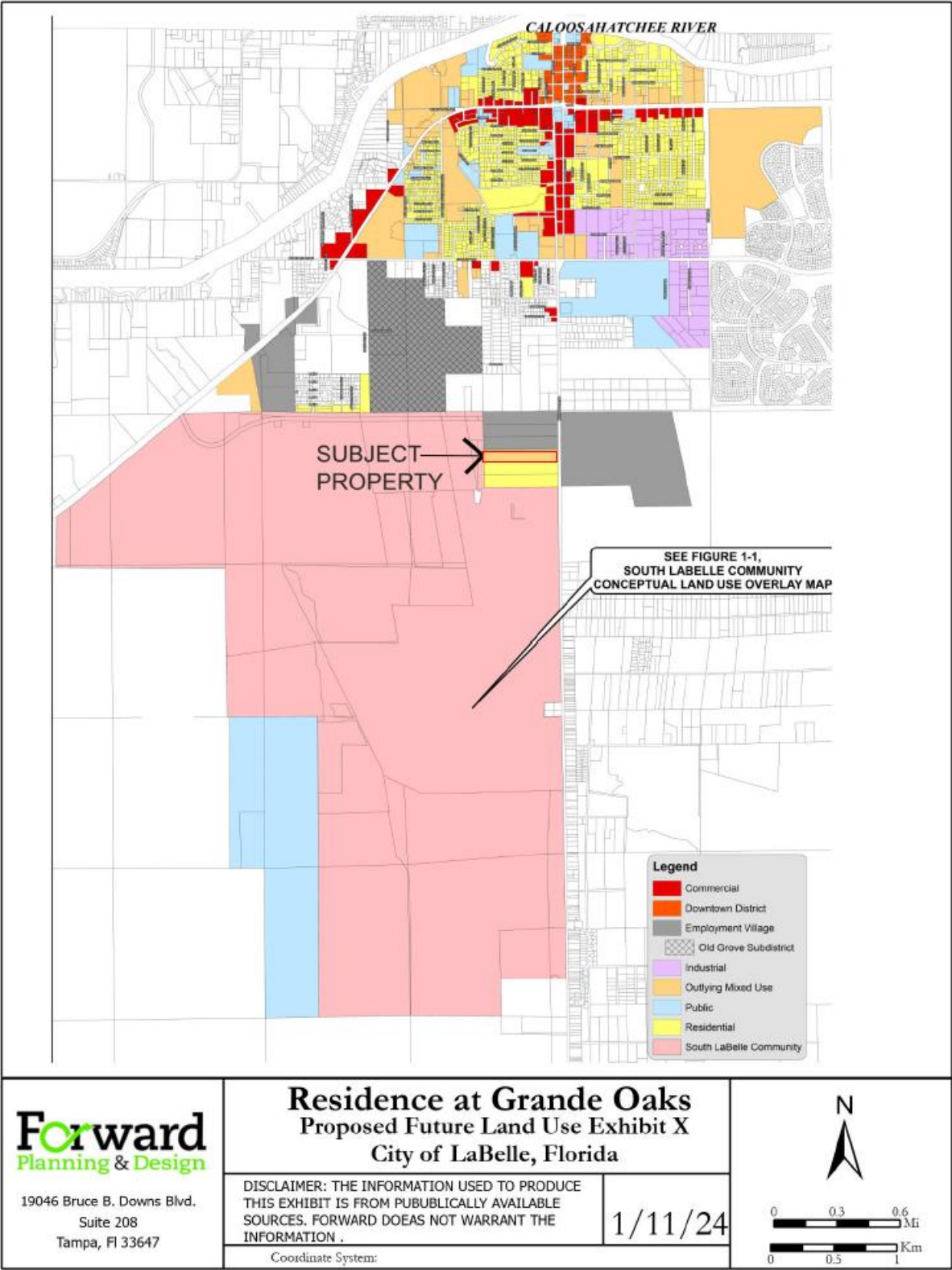


CURRENT FUTURE LAND USE MAP

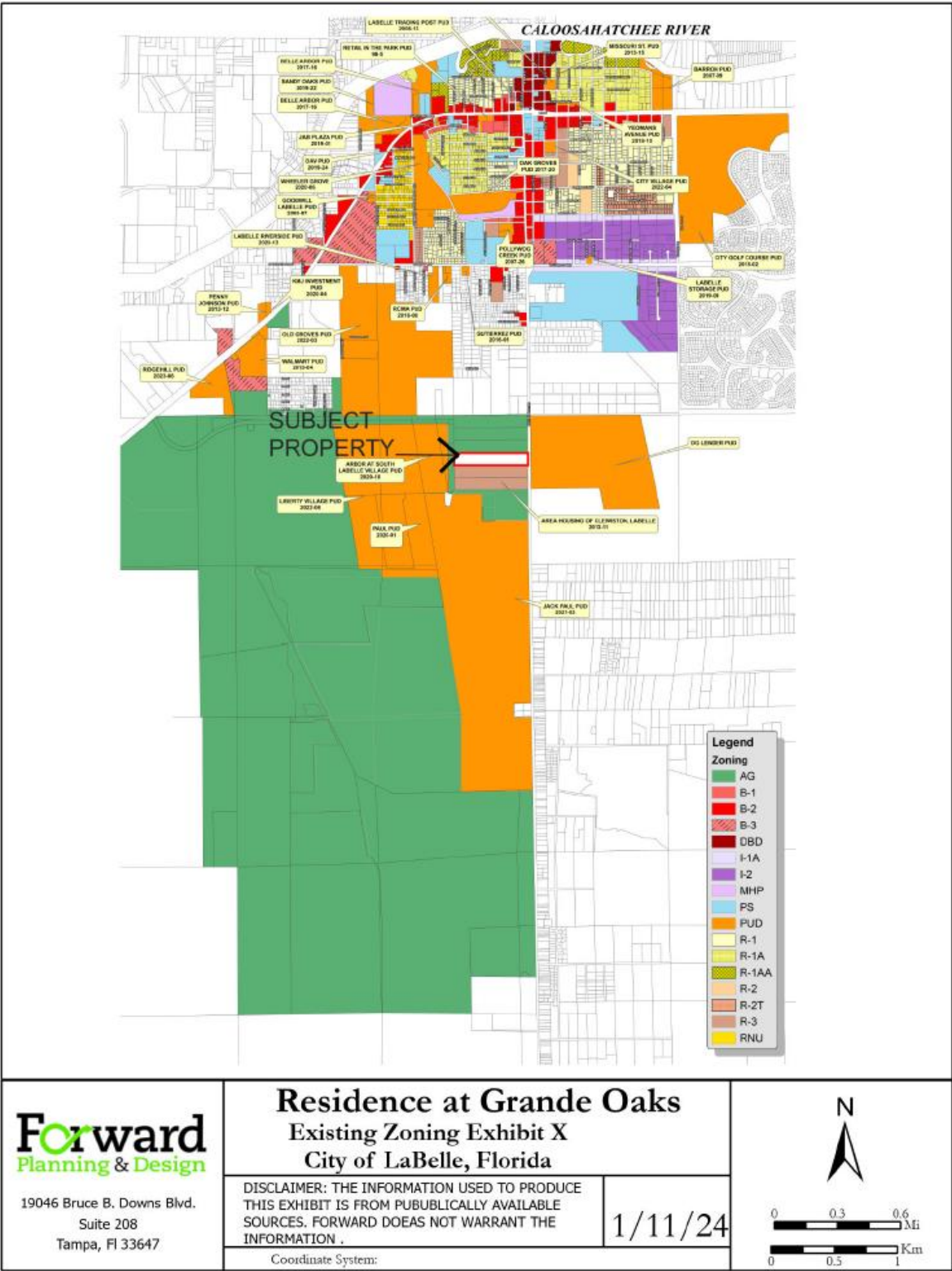




PROPOSED FUTURE LAND USE MAP

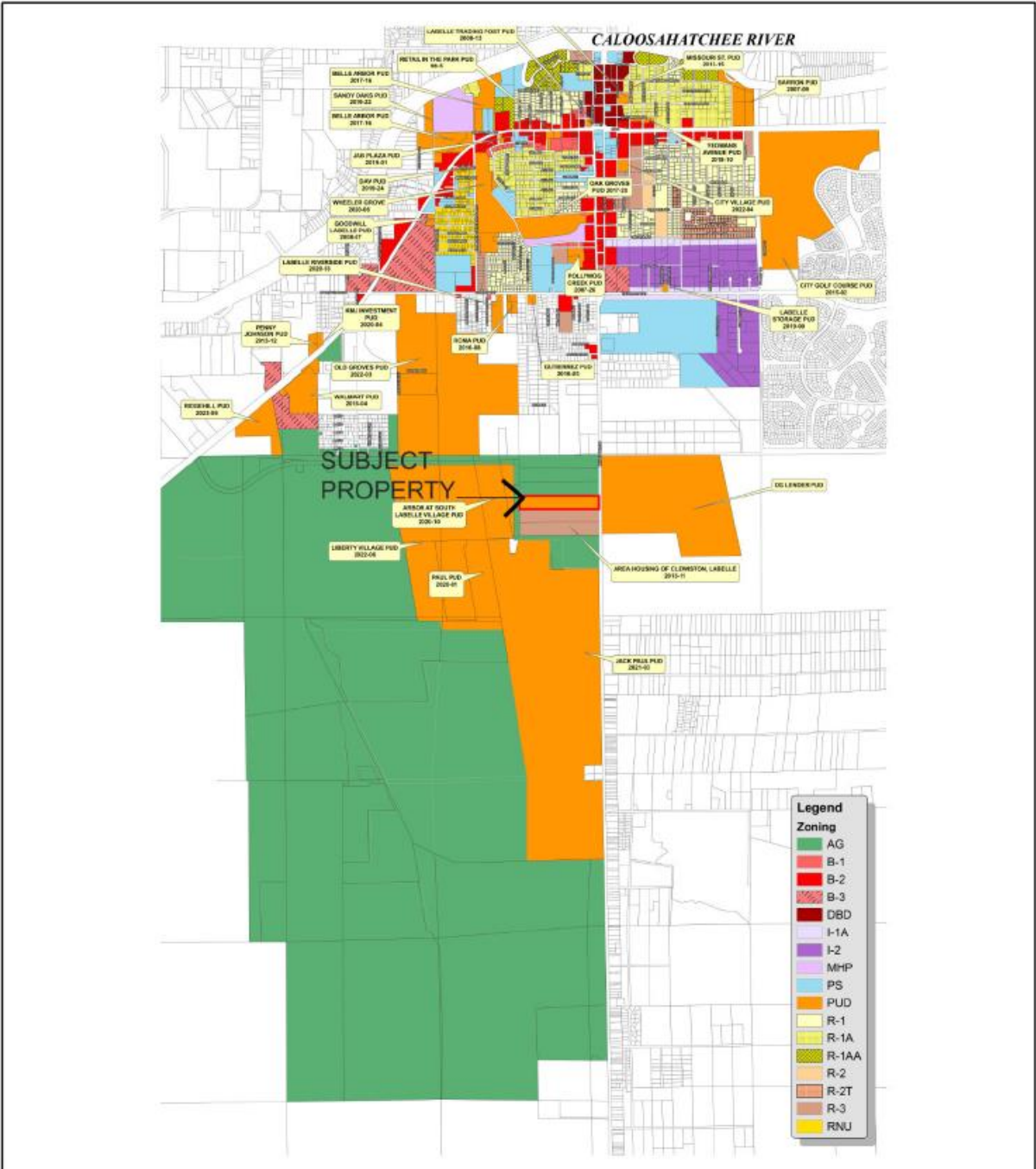


CURRENT ZONING MAP





PROPOSED ZONING



<b>Forward</b> Planning & Design  19046 Bruce B. Downs Blvd. Suite 208 Tampa, FL 33647	<b>Residence at Grande Oaks</b> Proposed Zoning Exhibit X City of LaBelle, Florida		  0 0.3 0.6 Mi 0 0.5 1 Km
	DISCLAIMER: THE INFORMATION USED TO PRODUCE THIS EXHIBIT IS FROM PUBLICLY AVAILABLE SOURCES. FORWARD DOES NOT WARRANT THE INFORMATION.	1/11/24	
Coordinate System:			

**EXHIBIT A  
LEGAL DESCRIPTION**

(O.R.B. 628, PG. 884)

THAT PART OF THE NORTH 1/3, OF THE SOUTH 1/2, OF THE NORTHEAST 1/4,  
OF SECTION 20, TOWNSHIP 43 SOUTH, RANGE 29 EAST, HENDRY COUNTY,  
FLORIDA, LYING WEST OF STATE ROAD

**EXHIBIT B**  
**SCHEDULE OF USES**

**Residential**

Accessory Uses and Structures  
Administrative Offices  
City of LaBelle Essential Public Utility Stations  
Excavation, Water Retention  
Fences, Walls  
Dwellings, Multi-Family  
Parking Lot, Accessory  
Recreational Facilities (private)  
Signs (in accordance with Appendix B, Section 4-81)

**Commercial**

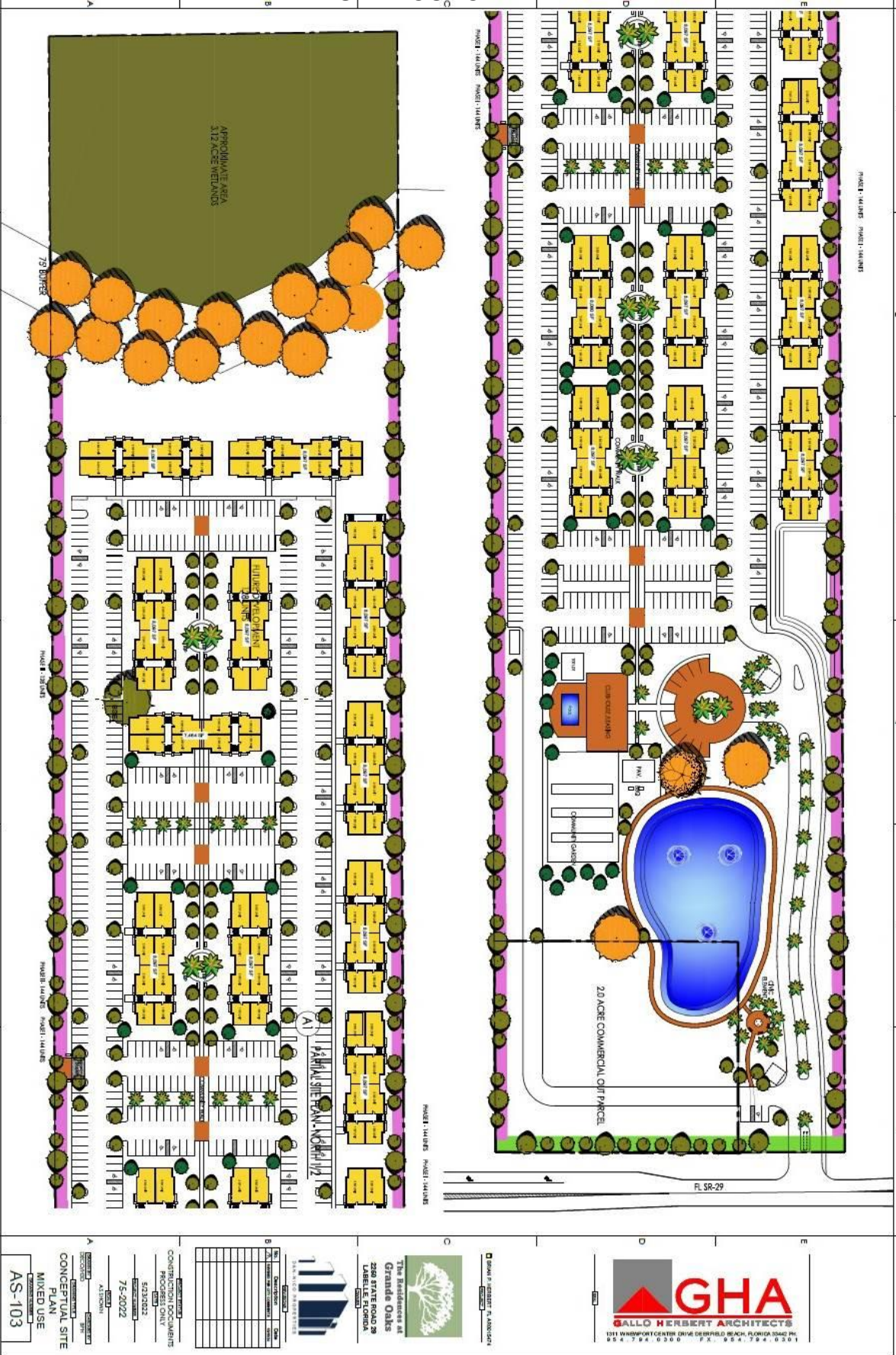
Accessory Uses and Structures  
Business Services  
Clubs/Lodges  
Cultural institutions  
Financial Institutions  
Health Care Facilities  
Government Offices  
Medical Offices  
Professional Offices  
Personal Services  
Pharmacies  
Retail Sales  
Food and Beverage Sales/Establishments, Restaurants Only (no outdoor seating, on-site or off-site consumption of alcohol)

### EXHIBIT C SITE DEVELOPMENT REGULATIONS

SITE DEVELOPMENT REGULATIONS TABLE		
Site Acres	26.26 ac	
Wetland Area	± 0.63 ac	
Upland Acreage	± 25.63 ac	
	Commercial	Multi-family
Proposed Units		
Phase 1 & 2	10,000 sf	288 du
Phase 3		120 du
Clubhouse and Site Amenities		5,000 sf
Parking	As per LDC	As per LDC
Min. Lot Area	22,000	N/A
Min. Lot Width	75 ft	100 ft
Min. Lot Depth	100 ft	100 ft
Max. Lot Coverage	70%	50%
Max. Height	35 ft*	35 ft*
Min. Setbacks		
Front (External ROW)	30 ft	20 ft
Front (Internal ROW)	15 ft	15 ft
Side	20 ft	15 ft
Rear	15 ft	20 ft
Minimum Building Separation:	20 ft	20 ft

\*Measured from the average finish grade at the base of the structure to the midpoint of the roof

EXHIBIT D  
MASTER CONCEPT PLAN



CITY OF LABELLE  
ORDINANCE 2025-04  
THE RESIDENCES AT GRANDE OAKS ANNEXATION

AN ORDINANCE OF THE CITY OF LABELLE, FLORIDA, ANNEXING A 26.26+/-ACRE PROPERTY LOCATED ¼ MILE SOUTH OF HELMS ROAD AND WEST OF STATE ROAD 29, INTO THE CORPORATE LIMITS OF THE CITY OF LABELLE, FLORIDA; IN ACCORDANCE WITH THE ANNEXATION PROVISIONS OF CHAPTER 171, PART II, FLORIDA STATUTES; REDEFINING THE BOUNDARY LINES OF SAID CITY IN CONFORMANCE THEREWITH; AMENDING THE OFFICIAL BOUNDARY MAP OF THE CITY OF LABELLE, FLORIDA, PROVIDING THAT EXISTING FUTURE LAND USE AND ZONING DESIGNATIONS REMAIN UNTIL CHANGED BY THE CITY ORDINANCE; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

**WHEREAS**, Dan-Nico Properties LLC, has initiated a voluntary annexation of real property located ¼ mile south of Helms Road and west of State Road 29, City of LaBelle, Florida, “the property” as described and depicted in Exhibit “A”, Exhibit “B” and Exhibit “C”, attached hereto; and,

**WHEREAS**, the City and the County have identified certain lands that are logical for annexation into the City, the appropriate land uses and infrastructure needs for said area, and the provider of services and infrastructure for said areas; and,

**WHEREAS**, the properties to be annexed shall retain the comprehensive plan future land use and zoning classifications existing at the time this ordinance is approved; unless otherwise requested by the property owner, the properties will become subject to the City Comprehensive Plan Future Land Use and zoning classifications most consistent with the retained classifications upon subsequent action by the City.

**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 City Commission, after duly advertised public hearings on June 12, 2025, and July 10, 2025, Ordinance 2025-04 is hereby adopted, annexing the property in the City of LaBelle municipal boundary.

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

**Section 4. Severability.** In the event that any portion of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a

separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions of this ordinance.

**Section 5. Effective Date.** This Ordinance shall become effective in accordance with Florida Statutes.

**PASSED AND ADOPTED** in open session this \_\_\_\_ day \_\_\_\_, 2025.

THE CITY OF LABELLE, FLORIDA

By: \_\_\_\_\_  
Julie C. Wilkins, Mayor

Attest: \_\_\_\_\_  
Tijauna Warner, Deputy City Clerk

APPROVED AS TO FORM AND  
LEGAL SUFFICIENCY:

By: \_\_\_\_\_  
Derek Rooney, City Attorney

Vote:	AYE	NAY
Mayor Wilkins	_____	_____
Commissioner Vargas	_____	_____
Commissioner Ratica	_____	_____
Commissioner Holland	_____	_____
Commissioner Spratt	_____	_____

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**EXHIBIT A**

**LEGAL DESCRIPTION**

(O.R.B. 628, PG. 884)  
THAT PART OF THE NORTH 1/3, OF THE SOUTH 1/2, OF THE NORTHEAST 1/4,  
OF SECTION 20, TOWNSHIP 43 SOUTH, RANGE 29 EAST, HENDRY COUNTY,  
FLORIDA, LYING WEST OF STATE ROAD



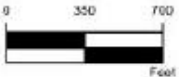
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**EXHIBIT B**  
**LOCATION MAP/CURRENT MUNICIPAL BOUNDARY MAP**



**Legend**

- Subject Property
- LaBelle City Limits
- Parcels



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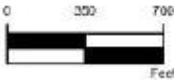
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**EXHIBIT C**  
**PROPOSED MUNICIPAL BOUNDARY MAP**



**Legend**

- Subject Property
- LaBelle City Limits
- Parcels



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100



## Residences at Grande Oak PUD Rezoning Petition and Small Scale Comprehensive Plan Amendment

### **PUD PROJECT SUMMARY**

The Applicant, Dan-Nico Properties, LLC is requesting a simultaneous Annexation, Small Scale Comprehensive Plan Amendment and a Rezoning Petition on the subject Parcel located on the west side of State Road 29 approximately 0.25 miles south of Helms Road on approximately 26.12 acres of land. The subject Parcel is currently located in Unincorporated Hendry County. Concurrent with this application is a Voluntary Annexation Petition requesting the property to be annexed into the City of Labelle.

The requested Zoning amendment is from General Agriculture (A-2) to Planned Unit Development District (PUD). Requested concurrently, is a Small-Scale Comprehensive Plan Amendment to the Future Land Use from Hendry County - Residential High Density to Outlying Mixed Use Future Land Use Category.

This application requests approval of a PUD Mixed-Use project inclusive of the following uses:

- Commercial - 10,000 sq. ft.
- Affordable Multi-family Apartments
  - Phase I & II - 288 units
  - Phase III - 120 units
- Clubhouse and Site Amenities - 5,000 sq. ft.

The proposed Residences at Gande Oak PUD focuses on a mixed-use development that provides a benefit in terms of a walkable community, neighborhood park and amenities, employment opportunities, and affordable multi-family housing. The affordable housing project shall meet or exceed the minimum threshold of affordability as outlined in the City of Labelle and Hendry County Comprehensive Plan and the Hendry County Housing Authority.

A Rezoning amendment to PUD is consistent with the proposed underlying Future Land Use (FLU) Outlying Mixed Use category. The Outlying Mixed Use category allows for mixed-use development with a maximized density up to 16 du/acre which is a total of 408 dwelling units for the development and allows for 10,000 sq. ft. of neighborhood commercial. The proposed development will provide bicycle/pedestrian connectivity, a clubhouse including amenities and neighborhood park, and provide enhanced landscape buffers around the perimeter of the subject site.

A pre-application conference was held on December 29th, 2022, with City and County Staff. A FDOT pre-application conference was held on February 14, 2023. A pre-application conference was held with the South Florida Water Management District on May 23rd, 2023.

Table 1: Site Information

<b>Parcel #:</b>	29 43 20 A00 0002.0200
<b>Gross Acreage:</b>	26.12 acres
<b>Estimated Wetlands:</b>	1.3 acres
<b>Net Developable Area:</b>	24.84 acres
<b>Existing Future Land Use Category:</b>	Hendry County- Residential High Density
<b>Proposed Future Land Use Category:</b>	Outlying Mixed Use
<b>Existing Zoning:</b>	Hendry County - General Agriculture (A-2)
<b>Proposed Zoning:</b>	Planned Unit Development District (PUD)

**SMALL SCALE COMPREHENSIVE PLAN AMENDMENT**

The properties current Future Land Use is Hendry County - Residential High Density which allows for up to 15 du/acre. The property is located adjacent to properties with a FLU of Residential to the south, Employment Center to the north and east, and the South LaBelle Community to the west.

The concurrent Small Scale Comprehensive Plan Future Land Use amendment request is to designate the property to the **Outlying Mixed Use** FLU category. Residential and Commercial Uses are specifically listed as allowable uses in the Outlying Mixed Use FLU category. The Outlying Mixed Use category requires rezoning to the PUD zoning district.

The Outlying Mixed Use Future Land Use category provides a logical transition of mixed uses from the Employment Village located to the north and east, and the South Labelle Community Land use located to the west. The proposed density of 16 du/acres on the Residences at Grande Oaks PUD is consistent with the adjacent South LaBelle Community which allows for up to 16 du/acre. It is also compatible with existing multi-family development located to the south.

The applicant proposes a mixed-use development with a maximum of 10,000 sq.ft. neighborhood commercial and a maximum of 408 multi-family units on 26.12 +/- acres which is a proposed density of 16 du/acre. The Outlying Mixed Use category allows for a base density of 6 du/acre. Additional bonus density may be requested up to 16 units per acre provided the project meets the criteria as follows.

- **The property has direct access to the collector or arterial roadways** – SR-29 is designated as a main arterial roadway and with recent improvements provides adequate capacity to serve this project.
- **Mixed-Use** – The property proposes a mix of neighborhood commercial, residential, and amenity/recreational uses. The proposed commercial outparcel is designed to serve this property as well as the adjacent Greentree South complex located directly to the south.

## Forward Planning & Design

RESIDENCES AT GRANDE OAKS PUD AMENDMENT  
REVISED NARRATIVE [01/26/25]  
PAGE 3 OF 9

- **Minimization of Impacts on the Existing Oak Trees** – The project proposes to maintain a heavily forested portion of the western property as a wetland and uplands preserve. Many of the trees in this area are oak trees that will be preserved. Additionally, the area around the existing pond has oak trees that will also be preserved. These are identified as the larger, orange-colored trees on the conceptual landscape plan submitted as an attachment to this application. The remainder of the site was previously used for agricultural purposes and is void of significant trees.
- **Publicly Accessible Civic Space** – The project proposes a publicly accessible civic space conveniently located at the entry to the development and overlooking the pond and features. Currently, the proposed space is designed to honor hometown heroes such as police, firefighters or military personnel and will have benches and lit flag poles, additionally it will include a nature trail around the pond.
- **Enhanced Architectural Design** – The project is proposed to be designed in the Old Florida Vernacular including such elements as decorative brackets and balcony features. A pleasant pastel color palette and quality architectural materials. In addition to the aesthetic value, the project proposes a community clubhouse, pool, BBQ picnic area, tot lot and a community garden area. A tree lined linear park “central walk” will create a sense of community area for residents to meet and mingle in a front porch type atmosphere.
- **Enhanced Landscape Design** – Mostly native tree species will be used in the landscape design including preservation of the existing oak trees. It is the owner’s intent to exceed the city’s minimum landscape code especially within the key pedestrian areas of the site.
- **Enhanced compatibility measures** – The project has been designed with compatibility to the adjacent land uses. A larger buffer is provided between the buildings and the property to the south since the adjacent buildings are single story structures. There is the proposed preserve and gopher tortoise habitat to the west which will completely buffer the properties from the west. The remaining property to the north and east has a FLU designation of Employment Center which will eventually be larger commercial uses. We have proposed a smaller buffer to the north and east but will still be exceeding the code requirements for setbacks while also allowing for future connectivity to these commercial uses. Furthermore, we are limiting the building to three story garden style apartments which will have a maximum height of 36 feet.
- The development is not located near downtown but will aim to create a compact mixed-use community. It will offer walkable retail options within the neighborhood and encourage community interaction through centrally located parks, open spaces, and amenities. The integrated layout of the development will provide easy access supporting a pedestrian-friendly environment.

**PUD REZONING REQUEST**

Currently, the subject Parcel is located in unincorporated Hendry County and the Zoning designation for the subject site is General Agriculture (A-2). The Parcel is surrounded by LaBelle city limits to the north, east, south and west and is requested to be annexed into the City of LaBelle. The request is to Rezone the subject Parcel to PUD to allow for a mixed-use development inclusive of neighborhood commercial, affordable multi-family apartments and civic amenity elements. The proposed PUD is compatible with the requested Outlying Mixed Use Future Land Use category.

This application requests approval of a PUD Mixed-Use project inclusive of the following uses:

- Commercial – 10,000 SF
- Affordable Multi-family Apartments –
  - Phase I & II - 288 units
  - Phase III – 120 units
- Clubhouse and Site Amenities – 5,000 SF

The PUD Conceptual Plan demonstrates a mixed-use development program, with neighborhood commercial, multi-family dwelling units, clubhouse, neighborhood park and project amenities. The proposed density is 16 du/acre which is a maximum of 408 multi-family dwelling units (Phase I & II - 288 units and Phase III - 120 units).

The proposed development is a compact design, providing a mix of uses and connectivity that will enhance the area. A review of the project development site plan will reveal a well thought out design as follows:

- Is compatible with the surrounding areas,
- Provides adequate ingress and egress to the site,
- Provides logical and efficient on-site traffic patterns,
- Adequate access for emergency and service vehicles,
- Will not adversely impact traffic patterns on local roadways,
- Will have adequate public utilities upon completion of the proposed sewage treatment plant,
- Provides adequate property buffers to adjacent properties. and
- Will provide necessary off-site improvement.

We believe the high-quality design considerations of the PUD project as listed above and shown on the PUD Plan, warrant a maximum density of 16 du/acre. As such, the Residences of Grande Oaks is proposed as a phased development that will be constructed over several years as the need for affordable housing grows. The project will include the following:

- Two (2) Acre commercial lot – This commercial lot is intended to serve the proposed development as well as the existing Greentree South Apartments. Potential uses include a daycare center and retail, or conveniences type uses.
- Phase I Residential - 144-unit rental apartment complex, clubhouse, and amenities.
- Phase II Residential - 144-unit rental apartment complex
- Phase III Residential - 120-unit rental apartment complex
- +/- 3.12 acre wildlife and wetland/upland preserve area.

## COMPATIBILITY WITH ADJACENT FUTURE LAND USE AND ZONING

**Table 2: Adjacent Future Land Use, Zoning, and Existing Uses**

Direction	FLU Category	Zoning District	Existing Use
North	Employment Village	AG	Residential home and Vacant
East	Employment Village	PUD	Vacant
South	Residential	R-3	Multi-family Apartments, Water Treatment Facility
West	South LaBelle Community	Arbor at South LaBelle Village PUD	Vacant

The site is located on the west side of State Road 29 approximately 0.25 miles south of Helms Road. The property is currently designated as Residential High Density under the Hendry County Comprehensive Plan which currently allows up to 15 du/acre. The proposed PUD and Outlying Mixed Use future land use is a good transitional use to the Future Land Use is Employment Village to the north and east of the subject site, South LaBelle Community FLU designation to the west and Residential FLU developed as multi-family to the south.

The proposed density of 16 du/acre on the Residences at Grande Oaks PUD is consistent with the adjacent South LaBelle Community which allows for up to 16 du/acre. It is also compatible with existing multi-family development located to the south.

Furthermore, the FLU designation of Employment Center surrounding the property to the North and East creates an opportunity for large employment centers directly adjacent to this project. The City of LaBelle's proximity to the Fort Myers/Cape Coral metropolitan area makes it an ideal location for large business or production centers and given the sites location, just south of the new Helms Road Extension allows for easier access to the west coast.

## PUD SITE ANALYSIS

### Access

The property is located on the west side of State Road 29 approximately 0.25 miles south of Helms Road, which is a major collector roadway. Therefore, the proposed project has direct access to collector/ arterial roadways. State Road 29 is designated as a main arterial roadway, and with recent improvements provides adequate capacity to serve this project. The professionally prepared Traffic Impact Statement concludes that there is available capacity on the surrounding road network to accommodate the proposed dwelling units and commercial development.

The proposed project allows for uninterrupted pedestrian connections and creates internal connections between the residential, commercial, preserve and civic amenity elements of the development.

## Landscape Buffers

To address external compatibility between existing adjacent uses, a 15-foot-wide, Type C buffer will be provided around the northern, southern and eastern boundary. While not required by the LDC, the applicant is proposing an enhanced 15-foot-wide Type C buffer along the northern, southern, and eastern property lines. There will be a 75' natural vegetative buffer on the western boundary of the project site.

## Open Space and Amenities

The project proposes a preserve area at the western end of the property which will serve as both wetlands/uplands preserve and a gopher tortoise refuge. This area and an existing pond on the parcel will be kept in its natural state to the greatest extent possible. The pond will include a nature trail that will be the focal point and a civic amenity element. In addition to these preserved areas, the development proposes open space elements such as the central community walk, a community garden, tot lot, picnic area and passive open space. These combined areas make up well over 30% of the site area; therefore, exceeding the open space and preservation objectives of the land development code.

## Compatibility

The proposed residential uses will be compatible with the surrounding area and provide for alternative affordable housing options. The development proposes additional development regulations in the form of additional setbacks and buffer enhancements. There is a larger buffer provided between the proposed buildings and the apartments to the south since those buildings are single story structures. Proposed is a natural vegetative buffer on the western boundary of the project site which will completely buffer the properties to the west. The remaining property to the north and east has a FLU designation of Employment Center which will eventually be larger commercial uses. The proposed buffer exceeds the code for setbacks and landscape buffers, and the design allows for future connectivity to these commercial uses. Furthermore, the building height is limited to three story garden style apartments which will have a maximum height of 36 feet.

## Natural Features and Wildlife

An Environmental Assessment Report was conducted on January 2023 by Andrew Conklin Environmental Services for the project site, and is submitted as part of this application.

In conclusion, there are approximately 24.84 acres of uplands, 0.63 acres of wetlands, and 0.65 acres of upland-cut surface waters are present on the site. If impacts are proposed to wetlands or surface waters, then a permit will be needed from SFWMD. However, no wetland mitigation is expected to be required if no impacts are proposed to the Cypress wetland. In the event that SFWMD requires some mitigation for impacts to the pond, the placement of a conservation easement around the Cypress wetland and its surrounding upland buffer is expected to suffice. A small population of protected gopher tortoises is present on the site; a formal gopher tortoise survey will need to be completed prior to site development to determine the number of tortoises that will need to be permitted for relocation.



## Utilities

The applicant will be connecting to the City of Labelle's Water and Sewer services subject to availability at the time of site construction permitting. It is understood that sanitary sewer service is not available to the site at this time, however there are plans and funding in place to construct a wastewater treatment facility to the south of this property and a sewage conveyance line will be installed adjacent to the property for future tie in.

## COMPREHENSIVE PLAN CONSISTENCY

**Future Land Use Policy 1.2.1** The City will promote varied and balanced growth to enhance the community both fiscally and physically, providing for housing and employment needs.

- The PUD will provide opportunities for planned growth and support additional affordable housing opportunities to accommodate the anticipated population growth along State Road 29 and Helms Road in an area intended for development. The Residences at Grande Oaks PUD will provide for much needed affordable multi-family apartment units.

### Policy 1.3.2 Outlying Mixed Use Land Use Category

The Outlying Mixed-Use Land Use Category is the logical land use category for the property since the project is a mixed-use development. Outlying Mixed Use future land use is a good transitional use to the Employment Village located to the north and east, and the South Labelle Community Land use located to the west. Residential and Commercial Uses are specifically listed as allowable uses in the Outlying Mixed Use FLU category. The Outlying Mixed Use category requires rezoning to the PUD zoning district.

The Outlying Mixed-Use Land Use Category is also appropriate for properties located along the SR 29 and Helms Road, as the site is surrounded by employment opportunities, multi-family apartments to the south and proposed high density residential to the west.

### Traffic Circulation Element Policy 2.1 and 2.1.1

The application includes a Traffic Impact Analysis and indicates that all the adjacent roadway segments will operate at an acceptable Level of Service. An analysis of potential turn lane improvements will be provided during permitting with FDOT, but no roadway capacity improvements are expected.

### Infrastructure Element Policy 4.1

The applicant will be connecting to the City of Labelle's Water and Sewer services subject to availability at the time of site construction permitting. It is understood that sanitary sewer service is not available to the site at this time, however there are plans and funding in place to construct a wastewater treatment facility to the south of this property and that sewage conveyance line will be installed adjacent to the property for future tie in.

Additional letters of availability have also been obtained by EMS, Fire, and from the Hendry County's Sheriff Office.

## Forward Planning & Design

RESIDENCES AT GRANDE OAKS PUD AMENDMENT  
REVISED NARRATIVE [01/26/25]  
PAGE 8 OF 9

### Housing Element Policy 3.11.1

The Residences at Grande Oaks PUD will provide for much needed affordable multi-family apartment units. Currently, there is an affordable housing crisis in the State of Florida, and we are experiencing an unprecedented shortage of affordable housing in the State. The proposed site lies within a Qualified Census Tract as well as an area of concentrated poverty making this site an ideal location for quality affordable housing.

Development standards are provided in the attached Exhibits which includes the lot sizes, setbacks, and building heights appropriate for multi-family dwelling types in the area.

### Recreation and Open Space Policy 6.7.2 and 6.7.3

The proposed Master Conceptual Plan demonstrates the layout of the open space areas, including usable open space, exceeding the LDC requirements. The development proposes a civic amenity element as well as a nature trail around a pond. There is preserved land located on the west portion of the Parcel and additional open space elements such as the central community walk, a community garden, tot lot, picnic area and passive open space. These combined areas make up well over 30% of the site area therefore, meeting and exceeding the open space and preservation objectives of the Comprehensive Plan, Land Development Code and Ordinance.

### Objective 9.4 School Capacity

Coordinate petitions for changes to future land use, zoning, subdivision and site plans for residential development with adequate school capacity. This objective will be accomplished recognizing the School Board's statutory and constitutional responsibility to provide a uniform system of free and adequate public schools, and the City's authority for land use, including the authority to approve or deny petitions for comprehensive plan amendments, re-zonings or final subdivision and site plans that generate students and impact the school system. Manage the timing of comprehensive plan amendments and other land use decisions to coordinate with adequate school capacity.

- According to the Letter of Availability from the Superintendent of Hendry County School District, it is the policy of the Hendry County School District to support community growth. The district is willing to meet with the applicant and address the fiscal impact of a new school. The applicant is actively coordinating with the Hendry County School District to discuss providing for fiscal impacts of a new school.
- The planning of a residential development could provide affordable housing options for teachers and support staff. The Hendy County School District supports the proposed project within their capacity and looks forward to the expansion of housing choices available to the workforce community.

### New Housing Developments Policy 3.11.2 and Potable Water Supply Policy 4.3.5

**Policy 3.11.2** The City will require all housing developments, on a fair and consistent basis, to provide adequate and necessary public facilities and services, or funds (fee-in-lieu) to provide for their proportionate share of such facilities and services. In order to prepare the infrastructure for the future needs, the City will annually evaluate the need for impact fees or suitable alternatives.

## Forward Planning & Design

RESIDENCES AT GRANDE OAKS PUD AMENDMENT  
REVISED NARRATIVE [01/26/25]  
PAGE 9 OF 9

- The applicant will be connecting to the City of Labelle's Water and Sewer services subject to availability at the time of site construction permitting. It is understood that sanitary sewer service is not available to the site at this time, however there are plans and funding in place to construct a wastewater treatment facility to the south of this property and a sewage conveyance line will be installed adjacent to the property for future tie in.
- The applicant will provide the required funds (fee-in-lieu) to provide for their proportionate share of such facilities and services.

**Policy 4.3.5** The City will continue to require development proposals to meet City level of service standards for potable water as specified in this Comprehensive Plan.

- Acknowledged. The applicant will be connecting to the City of Labelle's Water services subject to availability at the time of site construction permitting.

CITY OF LABELLE  
ORDINANCE 2025-05  
THE RESIDENCES AT GRANDE OAKS SMALL-SCALE  
COMPREHENSIVE PLAN MAP AMENDMENT

AN ORDINANCE OF THE CITY OF LABELLE, FLORIDA, PROVIDING FOR A SMALL-SCALE COMPREHENSIVE PLAN AMENDMENT TO THE FUTURE LAND USE MAP FOR A 26.26+/-ACRE PROPERTY LOCATED ¼ MILE SOUTH OF HELMS ROAD AND WEST OF STATE ROAD 29; AMENDING THE COMPREHENSIVE PLAN DESIGNATION FOR THE PROPERTY FROM UNINCORPORATED HENDRY COUNTY COMPREHENSIVE PLAN “HIGH DENSITY RESIDENTIAL” DESIGNATION TO THE CITY OF LABELLE “OUTLYING MIXED USE” DESIGNATION; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

**WHEREAS**, the City of LaBelle has considered an amendment to the Future Land Use Map for real property located ¼ mile south of Helms Road and west of State Road 29, City of LaBelle, Florida, further described in Exhibit “A”, attached hereto; and has considered public comment on the same, and,

**WHEREAS**, in the exercise of its authority pursuant to Sections 163.3187 and 1643.3184, Florida Statutes, the City has determined it necessary and desirable to amend the City Comprehensive Plan Future Land Use Map so that the property for comprehensive planning purposes is changed from the Hendry County “High Density Residential” to the “Outlying Mixed Use” future land use category as shown on Exhibit “B” attached hereto; a

**WHEREAS**, amending the City Comprehensive Plan Future Land Use Map is appropriate in consideration of the property’s access and frontage on State Road 29; adjacency to lands designated in Residential and Employment Village future land use categories on the adopted future land use map; and the amendment will promote, protect, and improve the general health, safety, good order, appearance, convenience, and general welfare of the public, and will help accomplish the goals of the objectives of the City’s Comprehensive Plan.

**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.** After being read by title at a public hearing on June 12, 2025 before the Local Planning Agency, and duly advertised public hearing on July 10, 2025, Ordinance 2025-05, is hereby adopted, amending the City Comprehensive Plan Future Land Use Map so that the Comprehensive Plan designation for the property is “Outlying Mixed Use”.

**Section 3.** The City has determined that the Comprehensive Plan designation of “Outlying Mixed Use” as shown in the proposed City Comprehensive Plan Future Land Use Map attached

46 hereto as Exhibit “B”, is the most appropriate comprehensive plan designation for the affected  
47 property and that such comprehensive plan designation will promote, protect, and improve the  
48 general health, safety, good order, appearance, convenience, and general welfare of the public and  
49 will help accomplish the goals and objectives of the City Comprehensive Plan.

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51 **Section 4.** The small-scale comprehensive plan amendment shall apply to the real property  
52 described in Exhibit “A”.

53  
54 **Section 5.** This ordinance shall become effective in accordance with Florida Statutes.

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56 **Section 6.** If any Court of competent jurisdiction shall determine any portion or provision of  
57 this ordinance unconstitutional or invalid, that portion shall be severed, and the remainder of the  
58 ordinance shall remain in full force and effect and given its ordinary meaning.

59  
60 **Section 7.** The City Commission hereby directs the Deputy Clerk to forward certified copies  
61 of this adopted ordinance within seven (7) days of the effective date hereof, to the Clerk of Circuit  
62 Court of Hendry County and the County Administrator for Hendry County.

66 **PASSED AND ADOPTED** in open session this \_\_\_\_ day \_\_\_\_\_, 2025.

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THE CITY OF LABELLE, FLORIDA

By: \_\_\_\_\_  
Julie C. Wilkins, Mayor

Attest: \_\_\_\_\_  
Tijauna Warner, Deputy City Clerk

APPROVED AS TO FORM AND  
LEGAL SUFFICIENCY:

By: \_\_\_\_\_  
Derek Rooney, City Attorney

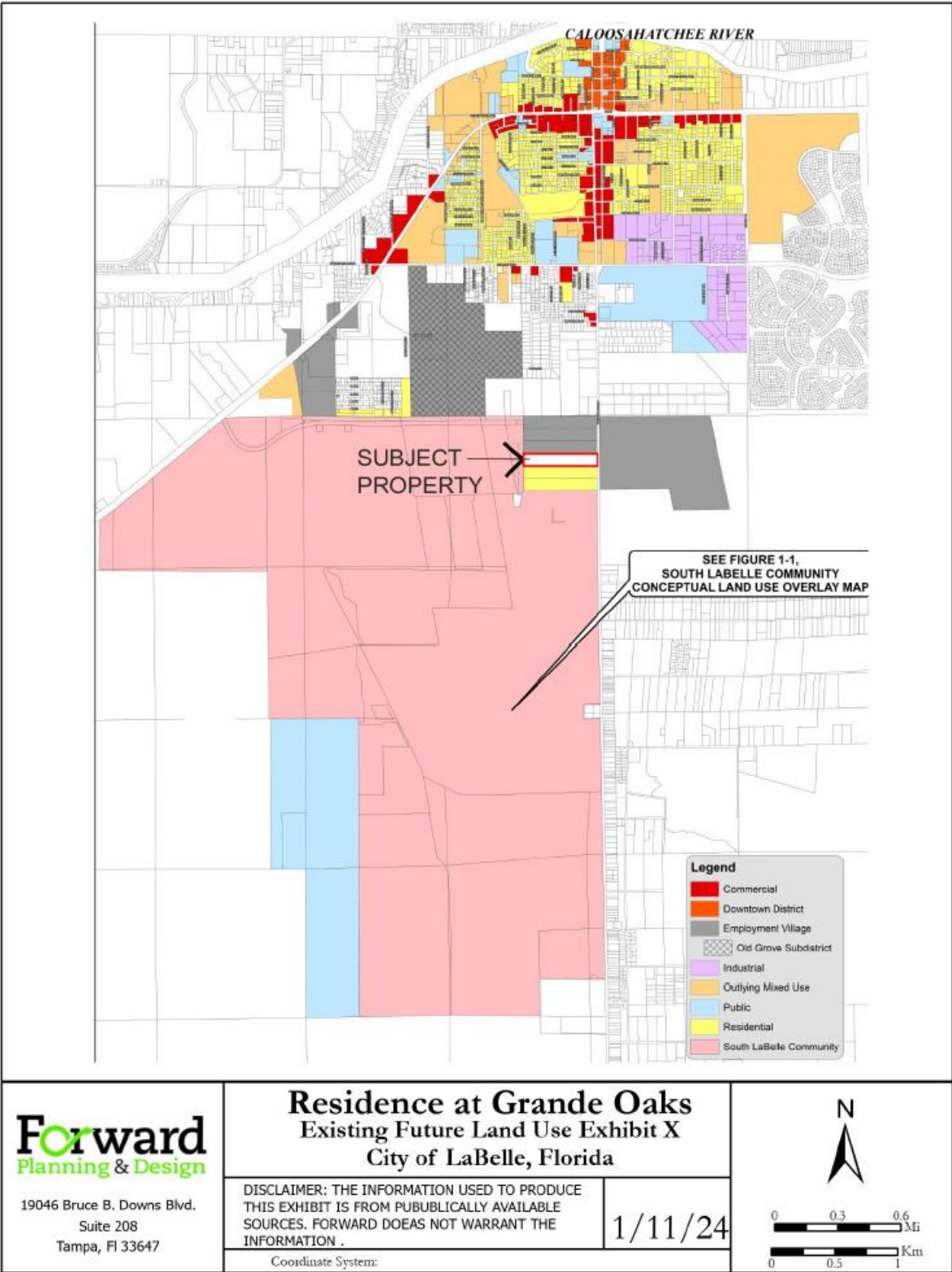
Vote:	AYE	NAY
Mayor Wilkins	_____	_____
Commissioner Vargas	_____	_____
Commissioner Spratt	_____	_____
Commissioner Holland	_____	_____
Commissioner Ratica	_____	_____

**EXHIBIT A**  
**LEGAL DESCRIPTION**

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99 (O.R.B. 628, PG. 884)  
100 THAT PART OF THE NORTH 1/3, OF THE SOUTH 1/2, OF THE NORTHEAST 1/4,  
101 OF SECTION 20, TOWNSHIP 43 SOUTH, RANGE 29 EAST, HENDRY COUNTY,  
102 FLORIDA, LYING WEST OF STATE ROAD

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EXHIBIT B  
CURRENT FUTURE LAND USE MAP

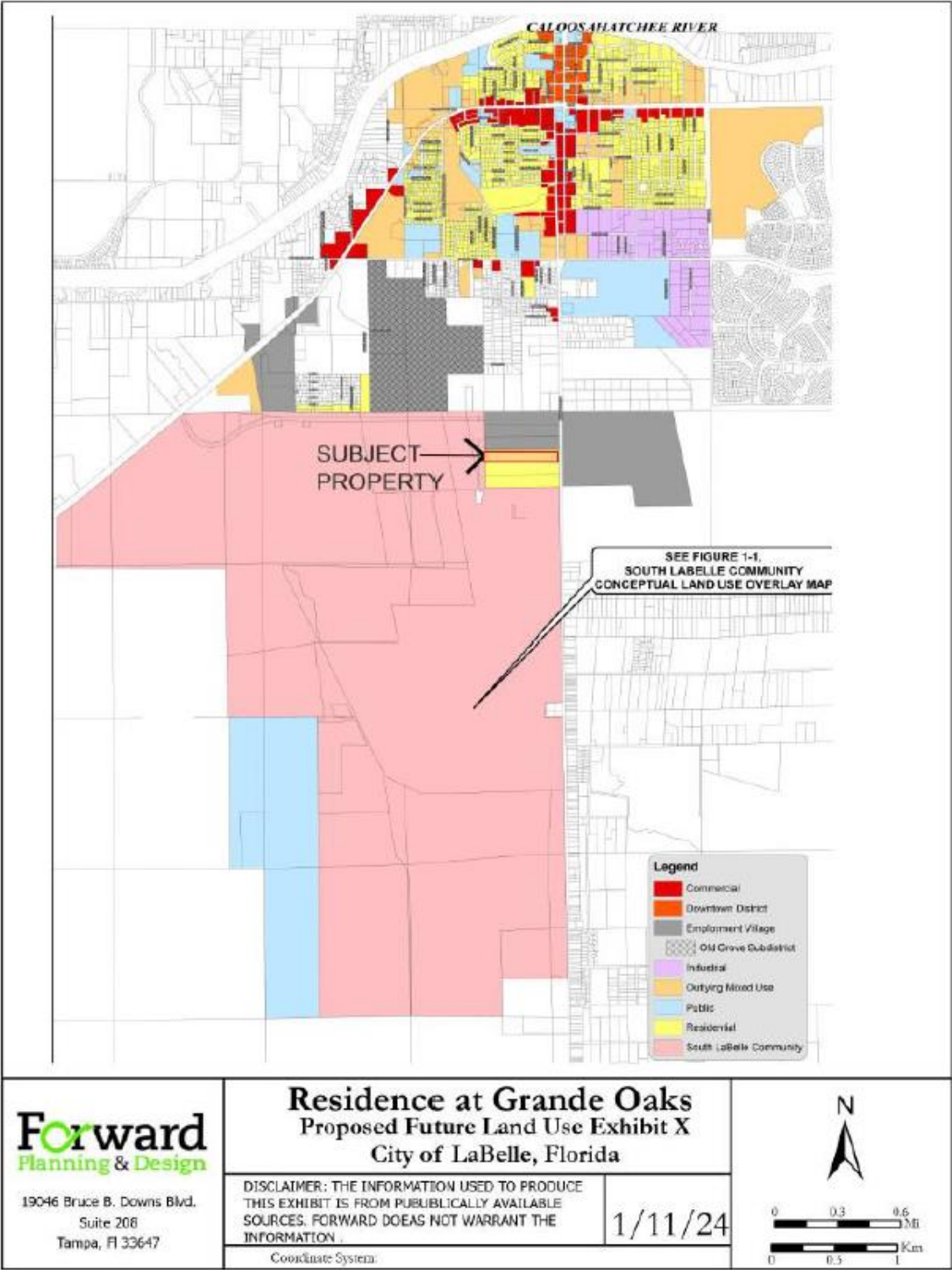


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EXHIBIT C  
PROPOSED FUTURE LAND USE MAP



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**CITY OF LABELLE  
ORDINANCE 2025-06**

**THE RESIDENCES AT GRAND OAKS PLANNED UNIT DEVELOPMENT**

**AN ORDINANCE OF THE CITY OF LABELLE, FLORIDA, AMENDING THE CITY OF LABELLE ZONING MAP FOR A 26.26+/-ACRE PROPERTY LOCATED ¼ MILE SOUTH OF HELMS ROAD AND WEST OF STATE ROAD 29, AMENDING THE ZONING DESIGNATION FROM UNINCORPORATED HENDRY COUNTY GENERAL AGRICULTURE (A-2) ZONING DISTRICT TO CITY OF LABELLE PLANNED UNIT DEVELOPMENT (PUD) ZONING DISTRICT, PROVIDING FOR IDENTIFICATION OF THE SUBJECT PROPERTY; PROVIDING FOR INTENT; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, Dan-Nico Properties LLC, is the “Owner” of the real property located ¼ mile south of Helms Road and west of State Road 29, City of LaBelle, Florida, further described in Exhibit “A”, attached hereto;

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

**WHEREAS**, after duly advertised public hearings held on June 12, 2025 before the LaBelle Local Planning Agency, and on August 14, 2025 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 annexation and future land use designation of “Outlying Mixed Use” and approval of the PUD 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, protect and improve the health, safety, comfort, good order, appearance, convenience and general 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 zoning approval applies specifically to the subject property as described in Exhibit 'A'.
2. Allowable uses shall be limited to those specified in the approved Schedule of Uses (Exhibit 'B').
3. Development shall conform to standards identified in the Development Regulations Table (Exhibit 'C').
4. All development must adhere to the design and phasing detailed in the approved Master Concept Plan (MCP), identified as Exhibit 'D', and comply with applicable City Land Development Code regulations.
5. The maximum permitted number of residential dwelling units shall not exceed 408 units. Commercial development shall be limited to a maximum of 10,000 square feet. Residential amenities shall not exceed 5,000 square feet.
6. 100% of the dwelling units will be rent restricted for households earning up to and including 80% Area Median Income (AMI) for Hendry County.
7. Any time that a unit becomes vacant, the next available unit will be offered to a qualifying household subject to the specified thresholds. This restriction shall remain in place for no less than thirty (30) years from the date of the issuance of the first Certificate of Occupancy. AMI income limits and rent limit adjustments will be made on an annual basis according to the most recent Hendry County approved "Income Limits and Rent Limits" published by the Florida Housing Finance Corporation. See table below depicting the current 2025 limits:

County (Metro)	Percentage Category	Income Limit by Number of Persons in Household										Rent Limit by Number of Bedrooms in Unit					
		1	2	3	4	5	6	7	8	9	10	0	1	2	3	4	5
Hendry County	30%	15,650	21,150	26,650	32,150	37,650	41,300	44,150	47,000	Refer to HUD		391	460	666	872	1,032	1,139
	50%	24,950	28,500	32,050	35,600	38,450	41,300	44,150	47,000	49,840	52,688	623	668	801	925	1,032	1,139
	80%	39,900	45,600	51,300	56,950	61,550	66,100	70,650	75,200	79,744	84,301	997	1,068	1,282	1,481	1,652	1,823
	120%	59,880	68,400	76,920	85,440	92,280	99,120	105,960	112,800	119,616	126,451	1,497	1,603	1,923	2,221	2,478	2,734
	140%	69,860	79,800	89,740	99,680	107,660	115,640	123,620	131,600	139,552	147,526	1,746	1,870	2,243	2,591	2,891	3,190
Median: 62,400																	

8. The owner will include an annual report that provides the progress and monitoring of occupancy of the income-restricted units, including rent data for rented units, or homestead data for owner-occupied units, in a format approved by the City of LaBelle. The Owner agrees to annual on-site monitoring by the City, or its designee.
9. Development must connect to the City's potable water and sanitary sewer system. The developer shall be responsible for the extension of utilities to serve the subject property. Proof of adequate service capacity shall be required prior to issuance of site construction permits, including a hydrant system demonstrating adequate and continuous water flow for firefighting purposes.
10. Site construction plans must demonstrate the provision of an internal sidewalk and pedestrian network connecting residential units, amenities, commercial spaces, parking areas, and perimeter sidewalks.
11. Parking shall be provided on-site in accordance with the City's Land Development Code requirements for all residential and commercial uses.
12. Access to the property shall be from State Road 29, subject to approval by the Florida Department of Transportation (FDOT). This approval does not guarantee, or grant access as depicted on the MCP without FDOT approval.

13. A unified Master Signage Plan consistent with the City's Land Development Code shall be required at the time of site construction permitting to ensure cohesive signage design throughout the residential and commercial areas.
14. Consistent with LDC Sec. 4-93, the architectural theme for all non-residential buildings shall reflect an Old Florida vernacular style with inclusion of roof overhangs, porches, covered corridors, covered walkways, and pitched roofs
15. Residential structures shall also adhere to an Old Florida vernacular architectural style, incorporating at least three (3) of the following features: front porches, pitched and/or metal roofs, shutters, gabled rooflines, and paneled siding.
16. The developer/owner or established Property Owners Association (POA) shall maintain all common areas, infrastructure, amenities, parking facilities, and landscaped buffers. POA documentation, if applicable, must be provided at the site construction permitting phase.
17. Consistent with LDC 4-88 a minimum of 30% usable open space must be dedicated exclusively to passive and active recreation areas. This area shall exclude perimeter buffers, stormwater management areas, and other non-usable lands. The usable open space must include a clubhouse with swimming pool as shown on the MCP.
18. Dumpsters, recycling containers, and service areas must be set back a minimum of 25 feet from the PUD boundaries and appropriately screened with opaque walls or fencing.
19. Landscaping buffers shall be provided as follows, consistent with the approved Master Concept Plan:
  - a. A 20-foot-wide landscape buffer along the State Road 29 frontage with enhanced plantings per City requirements.
  - b. A Type B Option 2 Landscape buffer as outlines in LCD 4-80 Table L6 along the north and south properties lines.
  - c. Preservation of identified significant oak trees within open space areas and buffers.
20. Prior to site construction permitting, the developer shall complete required wildlife surveys, including gopher tortoise surveys, and obtain any necessary relocation permits from applicable regulatory agencies.
21. The City is conducting a risk assessment and capital planning for adequate fire protection. The project may be subject in the future to impact fees or capital assessments to address the project impact.
22. The approved PUD Master Concept Plan shall remain valid for five (5) years from the date of City Commission approval. Horizontal site construction must commence within this period, or the MCP shall expire. Extensions may be administratively approved once for an additional two (2) years; further extensions require City Commission approval.

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

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

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

**PASSED AND ADOPTED** in open session this \_\_\_\_\_ day \_\_\_\_\_, 2025.

THE CITY OF LABELLE, FLORIDA

By: \_\_\_\_\_  
Julie C. Wilkins, Mayor

Attest: \_\_\_\_\_  
Tijauna Warner, Deputy City Clerk

APPROVED AS TO FORM AND  
LEGAL SUFFICIENCY:

By: \_\_\_\_\_  
Derek Rooney, City Attorney

Vote:	AYE	NAY
Mayor Wilkins	_____	_____
Commissioner Vargas	_____	_____
Commissioner Ratica	_____	_____
Commissioner Holland	_____	_____
Commissioner Spratt	_____	_____

**EXHIBIT A**  
**LEGAL DESCRIPTION**

(O.R.B. 628, PG. 884)

THAT PART OF THE NORTH 1/3, OF THE SOUTH 1/2, OF THE NORTHEAST 1/4,  
OF SECTION 20, TOWNSHIP 43 SOUTH, RANGE 29 EAST, HENDRY COUNTY,  
FLORIDA, LYING WEST OF STATE ROAD

**EXHIBIT B**  
**SCHEDULE OF USES**

**Residential**

Administrative Offices  
Accessory Uses and Structures  
City of LaBelle Essential Public Utility Stations  
Excavation, Water Retention  
Fences, Walls  
Dwellings, Multi-Family  
Parking Lot  
Public/Quasi-Public Utilities  
Recreational Facilities (private)  
Signs (in accordance with Appendix B, Section 4-81)

**Commercial**

Accessory Uses and Structures  
Business Services  
City of LaBelle Utilities  
Clubs/Lodges  
Cultural institutions  
Financial Institutions  
Health Care Facilities  
Government Offices  
Medical Offices  
Professional Offices  
Personal Services  
Pharmacies  
Retail Sales  
Restaurants (no outdoor seating, on-site or off-site consumption of alcohol requires a PUD  
Amendment requiring public hearing

**EXHIBIT C**  
**SITE DEVELOPMENT REGULATIONS**

SITE DEVELOPMENT REGULATIONS TABLE		
Site Acres	26.26 ac	
Wetland Area	± 0.63 ac	
Upland Acreage	± 25.63 ac	
	Commercial	Multi-family
Proposed Units		
Phase 1 & 2	10,000 sf	288 du
Phase 3		120 du
Clubhouse and Site Amenities		5,000 sf
Parking	As per LDC	As per LDC
Min. Lot Area	22,000	N/A
Min. Lot Width	75 ft	100 ft
Min. Lot Depth	100 ft	100 ft
Max. Lot Coverage	70%	50%
Max. Height	35 ft*	35 ft*
Min. Setbacks		
Front (External ROW)	30 ft	20 ft
Front (Internal ROW)	15 ft	15 ft
Side	20 ft	15 ft
Rear	15 ft	20 ft
Minimum Building Separation:	20 ft	20 ft

\*Measured from the average finish grade at the base of the structure to the midpoint of the roof







**CITY OF LABELLE, FLORIDA**

**Planning Staff Report  
For  
495 Davis Street Fence Variance**

**TYPE OF CASE:** Variance

**STAFF REVIEWER:** Patty Kulak

**DATE:** June 12, 2025

**APPLICANT:** Roel and Belinda Herrera

**AGENT:** Same as Applicant

**REQUEST:** To allow the installation of a 5' tall link fence within the front yard, extending beyond the front façade of the existing dwelling unit at the property located at 495 Davis Street.

**LOCATION:** 495 Davis Street

**PROPERTY SIZE:** 0.29 acres

**FUTURE LAND USE DESIGNATION, CURRENT ZONING AND LAND USE:**

Existing Future Land Use Designation: Residential  
Existing Zoning: Residential (R-1)  
Land Use: Single Family Residence

**SURROUNDING LAND USE:**

**North:** FLU – Residential I  
Zoning – Residential (R-1)  
Land Use – Single Family Residence

**South:** FLU – Residential I  
Zoning – Residential (R-1)  
Land Use – Single Family Residence

**East:** FLU – Residential I  
Zoning – Residential (R-1)  
Land Use – Single Family Residence

**West:** FLU – Residential I  
Zoning – Residential (R-1)  
Land Use – Single Family Residence

**STAFF NARRATIVE:**

The property owner is requesting a variance from Section 4-84 of the City of LaBelle Land Development Code (LDC) to allow the installation of a chain link fence within the front yard of the single-family residential property located at 495 Davis Street. Specifically, the variance would permit the proposed fence to extend beyond the front façade of the existing home, which is otherwise prohibited under current LDC regulations for front yard fencing materials and placement.

The subject property is zoned R-1 (Residential) and lies within the Residential Future Land Use category. The variance is being sought due to ongoing safety concerns expressed by the homeowner related to repeated incidents involving neighboring animals entering the yard. The proposed fence is intended to provide a secure and enclosed front yard area for the protection of the applicant's children and pets, while maintaining visibility and compliance with public safety standards.

The variance request is based on the property's corner lot configuration, which increases its exposure and accessibility from surrounding areas. These conditions have led to repeated intrusions that cannot be reasonably corrected or avoided without allowing the fence to extend beyond the front building line. Strict enforcement of the code would pose a safety-related hardship for the homeowner.

The request is limited in scope and does not involve any structural modifications to the home or additional site development. A site visit was conducted by the Superintendent of Public Works on May 15, 2025, with no objections raised per attached email correspondence.

Should the variance be approved, the applicant will be required to obtain all necessary permits and comply with applicable construction and design standards. Staff has provided the following analysis of the variance criteria outlined in the LDC.

**VARIANCE REVIEW CRITERIA:**

The following is Staff's analysis of the Applicant's request in relation to LDC Section 3-22, which sets forth the review criteria for special exceptions.

- a. Unique or peculiar conditions or circumstances exist, which relate to the location, size, and characteristics of the land or structure involved, and are not generally applicable to other lands or structures in the same district.

**The applicant has stated the unique conditions include recurring issues with neighboring animals entering the yard, creating safety concerns for both their pets and children. The site is also a corner lot with open frontage and exposure to neighboring properties.**

- b. The strict and literal enforcement of the zoning section of the land development regulations would create an undue hardship as distinguished from a mere inconvenience on the property owners. Physical handicaps or disability of the applicant and other considerations may be considered where relevant to the request.

**Strict enforcement of the code would prevent the applicant from installing a chain link fence in the front yard.**

- c. The granting of a variance would not be injurious to or incompatible with contiguous uses, the surrounding neighborhood, or otherwise detrimental to the public welfare.

**The granting of the variance would not be injurious to neighboring properties or incompatible with the surrounding residential character. A site visit conducted by the City's Superintendent of Public Works confirmed that the proposed fence placement poses no concerns, indicating that the request is not detrimental to the public welfare.**

- d. The condition giving rise to the requested variance has not been created by any person presently having an interest in the property and the conditions cannot reasonably be corrected or avoided by the applicant.

**This is not a condition created by the current property owner. Given the property's configuration and ongoing safety concerns.**

- e. The requested variance is the minimum modification of the regulation at issue that will afford relief.

**The requested variance is the minimum modification necessary to allow a chain link fence in the front yard of a residentially zoned lot. The fence will only extend into the portion of the front yard needed to address the specific safety concerns and will not exceed what is required to achieve that purpose.**

- f. The variance granted will not confer on the applicant any special privilege that is denied by these regulations to other lands, structures, or required improvements under similar conditions.

**The request is based on specific site-related safety concerns and is consistent with the intent of the Land Development Code to allow reasonable accommodations when justified. Other property owners may request variances, which will be evaluated based upon the merits of the petition.**

#### **STAFF RECOMMENDATION**

Staff recommends APPROVAL subject to the following conditions:

1. The variance request applies to the property described in Exhibit 'A'.
2. The fence is limited to a 5-foot tall, black chain link fence with three 12-wide double gates as shown on the Site Plan.

**SUGGESTED MOTION(S):**

**APPROVAL:**

I make a motion to approve the Variance request at 495 Davis Street.

**APPROVAL WITH CONDITIONS:**

I make a motion to approve the Variance request at 495 Davis Street, with the following condition(s):

- 1) as outlined in the staff report;  
**OR**
- 2) as outlined in the staff report and amended as follows;  
**OR**
- 3) with the following conditions:

**DENIAL:**

I make a motion to deny the Variance request at 495 Davis Street. The request does not meet the Variance criteria:

## Site Plan

ROEL HERRERA  
495 DAVIS ST  
LABELLE FL 33935

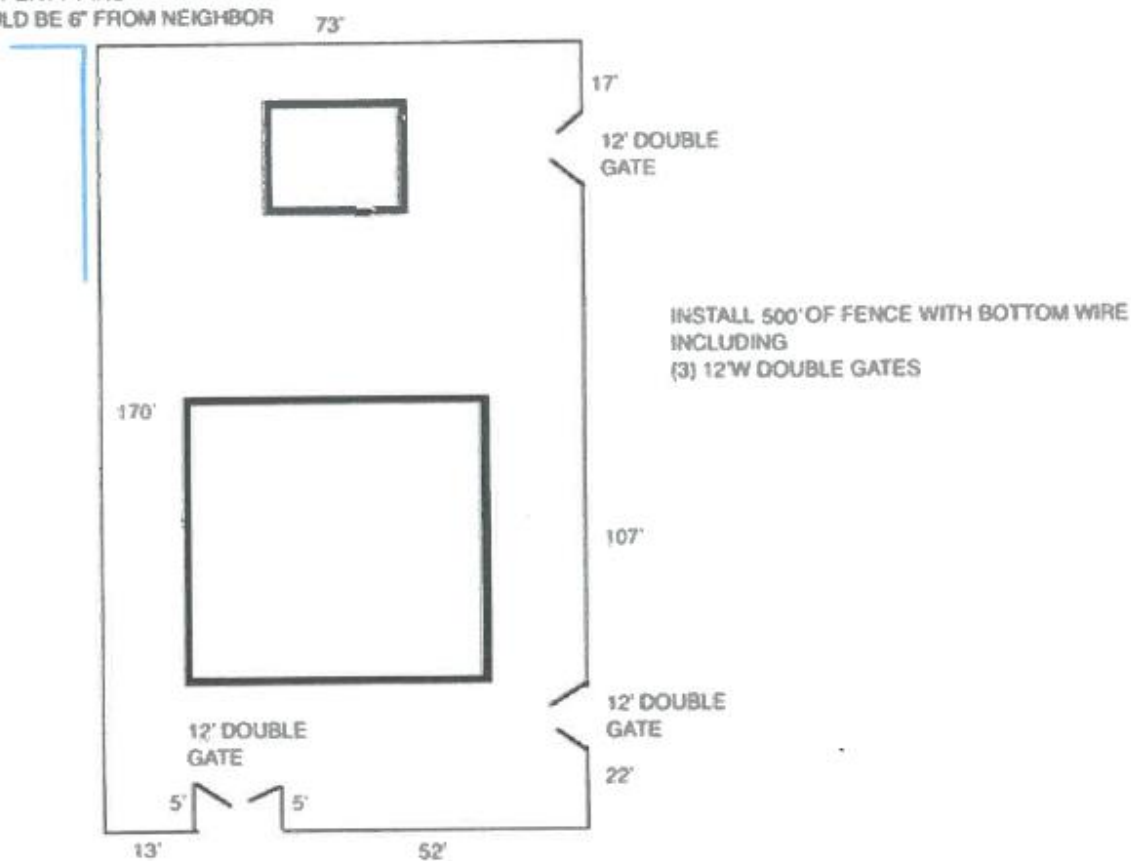


Customer Signature \_\_\_\_\_

MATERIAL TYPE:  
5H BLACK CHAIN LINK FENCE WITH BOTTOM TENSION WIRE

CUSTOMER REMOVING VEGETATION  
AND FENCE PRIOR TO INSTALL DATE

GAP BASED OFF  
PROPERTY PINS  
COULD BE 6" FROM NEIGHBOR



**EXHIBIT A**

LOT 16, LESS THE SOUTH 25 FEET THEREOF, AND THE SOUTH ONE-HALF OF LOT 17, BLOCK 112 CF SUBURB BEAUTIFUL, ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 1, PAGE 26, PUBLIC RECORDS OF HENDRY COUNTY, FLORIDA.

CITY OF LABELLE  
RESOLUTION 2025-03  
495 DAVIS STREET FENCE VARIANCE

A RESOLUTION OF THE CITY OF LABELLE, FLORIDA, ALLOWING FOR A VARIANCE FROM THE FENCE REGULATIONS ESTABLISHED IN THE LAND DEVELOPMENT CODE SECTION 4-84, TO ALLOW FOR A 5-FOOT CHAIN LINK FENCE IN A FRONT YARD THAT EXTENDS BEYOND THE DWELLING UNIT AT THE SUBJECT PROPERTY LOCATED AT 495 DAVIS STREET; IN THE CITY OF LABELLE, FLORIDA; PROVIDING FOR IDENTIFICATION OF THE SUBJECT PROPERTY; PROVIDING FOR INTENT; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

WHEREAS, Roel and Belinda Herrera, the Applicant, has filed a Variance application to allow the installation of a chain link fence within the front yard, extending beyond the front façade of the existing dwelling unit at the subject property in the Residential (R-1) zoning district on the subject property located at 495 Davis Street; and,

WHEREAS, a duly advertised public hearing was held on June 12, 2025 before the City of LaBelle City Commission; and,

WHEREAS, the City Commission for the City of LaBelle has determined that the requested variance will further the goals and objectives of the City of LaBelle Comprehensive Plan and Land Development Code; and,

WHEREAS, the City Commission for the City of LaBelle has determined that the requested Variance meet the criteria for approval in accordance with Chapter 4, of the Land Development Code; and,

NOW, THEREFORE, BE IT RESOLVED 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 request is hereby granted to allow for a variance to the installation of a chain link fence within the front yard, extending beyond the front façade of the existing dwelling unit at the subject property located at 495 Davis Street in the Residential (R-1) zoning district , City of LaBelle, Florida, subject to the following conditions:

1. The variance request applies to the property described in Exhibit ‘A’.
2. The fence is limited to a 5-foot tall, black chain link fence with three 12-wide double gates as shown on the Site Plan.



45       **Section 3. Severability.** In the event that any portion of this resolution is for any reason held  
46 invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a  
47 separate, distinct and independent provision, and such holding shall not affect the validity of the  
48 remaining portions of this resolution.

49  
50       **Section 4. Effective Date.** This Resolution shall become effective immediately upon its  
51 adoption.  
52

**PASSED AND ADOPTED** in regular session this \_\_\_\_\_ day of \_\_\_\_\_, 2025.

**THE CITY OF LABELLE, FLORIDA**

By: \_\_\_\_\_  
Julie C. Wilkins, Mayor

Attest: \_\_\_\_\_  
Tijauna Warner, Deputy City Clerk

**APPROVED AS TO FORM AND  
LEGAL SUFFICIENCY:**

By: \_\_\_\_\_  
Derek Rooney, City Attorney

Vote:	AYE	NAY
Mayor Wilkins	_____	_____
Commissioner Vargas	_____	_____
Commissioner Spratt	_____	_____
Commissioner Holland	_____	_____
Commissioner Ratica	_____	_____

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**EXHIBIT A**  
**LEGAL DESCRIPTION**

LOTS 3, 4 AND 5, PLUS THE EAST 2 FEET OF LOT 2 AND PLUS THE WEST 2  
FEET OF LOT 6, ALL IN LABELLE ADAIRS ADDITION TO BELMONT SUBDIVISION,  
ACCORDING TO THE MAP OR PLAT THEREOF RECORDED IN PLAT BOOK 2, PAGE 20,  
PUBLIC RECORDS OF HENDRY COUNTY, FLORIDA, LESS STATE ROAD 80 RIGHT-OF-  
WAY.



Crst # C 449506  
INV # I2500684  
App # 1575

**VARIANCE PETITION**  
**CITY OF LABELLE, FLORIDA**

Date Received

5/13/2025

File Number:

VAR 202 -

Petitioner (applicant name):

Ruel and Belinda Herrera

Petitioner Address:

495 Davis Street, LaBelle, FL 33935

Telephone#:

832921-6721

E-mail:

herrerabg10@gmail.com

Agent for Petitioner (if applicable):

Address of Agent:

Telephone#:

E-mail:

Address/Location of Subject Property:

495 Davis Street, LaBelle

Legal Description of Property Involved:

Corner of Davis and SeminoleLaBelle Blk 112 Sub Beautiful S/D lot 16+S 1/2 of lot 17GEO ID 2 29 43 01 010 0074-216.0Existing Zoning: LB-R-1

Total Acreage/Square Footage of Subject Property:

0.29 acres

Current Use of Land:

residence

Appeal from Section

fence requirements

of the Comprehensive Development Code,

which requires

*Findings required.* Before making a finding on an application for a variance, the City Commission shall first determine that the proposed variation in the application of this code:

- (a) Unique or peculiar conditions or circumstances exist, which relate to the location, size, and characteristics of the land or structure involved, and are not generally applicable to other lands or structures in the same district.
- (b) The strict and literal enforcement of the zoning section of the land development regulations would create an undue hardship as distinguished from a mere inconvenience on the property owners. Physical handicaps or disabilities of the applicant and other considerations may be considered where relevant to the request.
- (c) The granting of a variance would not be injurious to or incompatible with contiguous uses, the surrounding neighborhood, or otherwise detrimental to the public welfare.
- (d) The condition giving rise to the requested variance has not been created by any person presently having an interest in the property and the conditions cannot reasonably be corrected or avoided by the applicant.
- (e) The requested variance is the minimum modification of the regulation at issue that will afford relief.
- (f) The variance granted will not confer on the applicant any special privilege that is denied by these regulations to other lands, structures, or required improvements under similar conditions.

#### Summary of Facts

A) Our property is uniquely affected due to its location next to a neighbor whose aggressive dog frequently enters our yard unprovoked. This is not general condition shared by other properties in the area.

B) The inability to erect a fence creates a significant hardship, not just an inconvenience. We cannot safely use our yard to allow our grandchildren to play outside due to the aggressive behavior of the neighbor's dog, which has pinned one of us to a car, regularly crosses onto our property, leaves feces in our yard, and has damaged personal items on our porch.

C) Granting this variance would not be injurious to the neighbor or public welfare. On the contrary, a fence would help ensure safety and peace of mind for both our family and neighbors.

D) These conditions have not been created by us, but are the result of external circumstances- Specifically, the actions and negligence of a neighboring property owner.

E) The situation cannot be reasonably corrected without a fence. Verbal requests and informal solutions have failed to prevent repeated trespassing by the dog.

F) The requested variance is the least modification necessary to ensure our safety and peaceful use of our property. We seek only to install a standard

Has a public hearing been held on this property in the past twenty-four months? NO

If yes, application number or resolution number: \_\_\_\_\_

Is this hearing being requested as a result of a violation notice? NO

If yes, to whom was the violation written? \_\_\_\_\_

***NOTE: IF THE PETITIONER WISHES TO BE REPRESENTED BY AN AGENT, THE POWER OF ATTORNEY ON PAGE 4 MUST BE PROPERLY EXECUTED.***

***IF DRAWINGS PREPARED BY AN ARCHITECTURAL, ENGINEERING OR OTHER FIRM ARE SUBMITTED, THE FIRM MUST EXECUTE THE PERMISSION TO REPRODUCE ON PAGE 5.***

LETTER OF AUTHORIZATION: TO BE SIGNED BY PROPERTY OWNER

ATTEST:

I/We, Roel + Belinda Herrera, being first duly sworn, depose and say that we/I are/am the owners of the property described herein and which is the subject matter of the proposed hearing; that all the answers to the questions in this application, all sketches, data, and other supplementary matter attached to and made a part of this application, are true and correct to the best of our knowledge and belief. We/I understand that the information requested on this application must be complete and accurate and that the content of this form, whether computer-generated or City printed shall not be altered.

As property owner I/We, \_\_\_\_\_ further authorize \_\_\_\_\_ to act as our/my representative in any matters regarding this Petition.

Roel Herrera  
(Signature of Property Owner)

Belinda Herrera  
(Signature of Property Owner)

Roel Herrera  
(Typed or Printed Name of Owner)

Belinda Herrera  
(Typed or Printed Name of Owner)

State of Florida  
County of Hendry

The foregoing instrument was acknowledged before me this 13 day of May, 2025  
By Roel + Belinda Herrera who is personally known to me or has produced as identification.



Tara C. Sherrod  
(Signature of Notary Public – State of Florida)

Tara C. Sherrod  
(Print, Type, or Stamp Commissioned Name of Notary Public)

PERMISSION TO REPRODUCE: TO BE COMPLETED BY ENGINEER

KNOW ALL MEN THAT I, \_\_\_\_\_ (Title/Name), of the firm of \_\_\_\_\_, do hereby grant the City of LaBelle permission to reproduce all or a portion of all plans, drawings, etc., submitted in connection with the foregoing petition.

State of Florida

County of Hendry

The foregoing instrument was acknowledged before me this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, By \_\_\_\_\_ who is personally known to me or has produced as identification.

\_\_\_\_\_  
(Signature of Notary Public – State of Florida)

\_\_\_\_\_  
(Print, Type, or Stamp Commissioned  
Name of Notary Public)



## No. 895.

Filed this 14 day of April  
A D 1922  
William H. Hall  
Clerk Circuit Court

Being a Sub-division of Blocks 73-74-111-112 and 113 of Goodno Addition.  
to LaBelle Section 9, Township 43 South Range 29 East, Hendry County Florida  
Surveyed and Plotted April 1925 By Drew Hampton County Surveyor  
LaBelle Mutual Realty Company, Owners Approved By Board of Commissioners Town of LaBelle, Florida

6 May 28, 1925  
Lake Umbagog River  
W. P. Evans at



This instrument prepared by:  
Karen Little, Mtg. Servicing Dept.  
Suncoast Schools Federal Credit Union  
P. O. Box 11904, Tampa, FL 33680

Return to:  
FILE 40 00006166  
TRANSCONTINENTAL TITLE CO  
2605 ENTERPRISE RD E STE 30  
CLEARWATER FL 33759

### SATISFACTION OF MORTGAGE

KNOW ALL MEN BY THESE PRESENTS, that SUNCOAST SCHOOLS FEDERAL CREDIT UNION, under the laws of the United States of America, the holder of a certain mortgage given by ROEL HERRERA AND BELINDA G HERRERA, HUSBAND AND WIFE, to SUNCOAST SCHOOLS FEDERAL CREDIT UNION bearing the date the 12th day of October A.D. 1999, recorded in O. R. Book 591, page 721, in the Clerk of the Circuit Court of Hendry County, Florida, has received full payment of indebtedness secured by said mortgage, and does hereby acknowledge full satisfaction of said mortgage, and hereby directs the Clerk of said Circuit Court to cancel same of record.

IN WITNESS WHEREOF, I have hereunto set my hand and seal, the 7th day of November, A.D. 2003.

Suncoast Schools Federal Credit Union

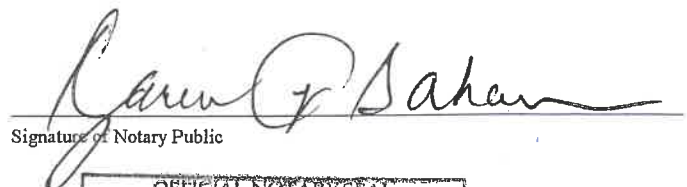
**COPY**



Sharon Saccone, Vice President/Mortgage Lending

STATE OF FLORIDA  
COUNTY OF HILLSBOROUGH

The foregoing instrument was acknowledged before me this November 7, 2003, by Sharon Saccone, Vice President/Mortgage Lending, an officer of SUNCOAST SCHOOLS FEDERAL CREDIT UNION, a corporation under the laws of the United States, on behalf of the corporation. She is personally known to me.



Signature of Notary Public

OFFICIAL NOTARY SEAL  
KAREN J KAHAM  
NOTARY PUBLIC STATE OF FLORIDA  
COMMISSION NO. DD116524  
MY COMMISSION EXP. MAY 12, 2006

Print, Type, or Stamp Name as Commissioned

Hendry County Taxing Authorities  
PO Box 1760  
LaBelle, FL 33975-1760  
2 29 43 01 010 0074-216.0 31039

## 2017 TRIM Notice

Tax Code: 10

**DO NOT PAY  
THIS IS NOT**

Section 8, Item H.

NOTICE OF PROPOSED PROPERTY TAXES AND  
PROPOSED OR ADOPTED NON-AD VALOREM  
ASSESSMENTS HENDRY COUNTY TAXING AUTHORITIES

Prop ID: 31039

**Site Address:**

495 DAVIS ST LABELLE, FL 33935

**Geo ID:** 2 29 43 01 010 0074-216.0

**Legal Description of Property:**

LA BELLE BLK 112 SUB BEAUTIFUL S/D  
LOT 16 + S 1/2 OF LOT 17



015517

15517 P3 T83\*\*\* \*\*\*\*\*AUTO\*\*5-DIGIT 33935  
Herrera Roel & Belinda G  
495 S Davis St  
Labelle, FL 33935-4828

### TAXING AUTHORITY TAX INFORMATION

TAXING AUTHORITY	PRIOR (2016) TAXABLE VALUE	YOUR FINAL TAX RATE AND TAXES LAST YEAR (2016)		CURRENT (2017) TAXABLE VALUE	YOUR TAX RATE AND TAXES THIS YEAR IF NO BUDGET CHANGES MADE		YOUR TAX RATE AND TAXES THIS YEAR IF PROPOSED BUDGET CHANGE IS MADE	
	COLUMN 1	COLUMN 2 RATE	COLUMN 3 TAXES	COLUMN 4	COLUMN 5 RATE	COLUMN 6 TAXES	COLUMN 7 RATE	COLUMN 8 TAXES
<b>County</b>								
Bd of County Comm - County	25,000	8.4909	212.27	25,000	8.2645	206.61	8.4909	212.27
<b>School</b>								
School Local Bd L - School	30,130	2.2480	67.74	31,288	2.1786	68.16	2.2480	70.34
School State Law S - School	30,130	4.6730	140.80	31,288	4.5288	141.70	4.2320	132.41
<b>Municipality</b>								
City of LaBelle - Municipal	25,000	3.6046	90.12	25,000	3.4124	85.31	3.6046	90.12
<b>Water Management District</b>								
So Fl Ever Constr - ECP	25,000	0.0471	1.18	25,000	0.0441	1.10	0.0441	1.10
So Florida Water - WMD	25,000	0.1359	3.40	25,000	0.1275	3.19	0.1275	3.19
So Florida Water Okeechobee Basin	25,000	0.1477	3.69	25,000	0.1384	3.46	0.1384	3.46
<b>Independent Special District</b>								
H C Hosp Debt Svc - County	25,000	0.6600	16.50	25,000	0.5800	14.50	0.5800	14.50
H C Hospital Auth - County	25,000	3.2908	82.27	25,000	3.2036	80.09	3.6700	91.75
<b>TOTAL AD VALOREM PROPERTY TAXES</b>			<b>617.97</b>			<b>604.12</b>		<b>619.14</b>
<b>TOTAL AD VALOREM PROPERTY TAXES</b>			617.97			604.12		619.14
<b>TOTAL NON-AD VALOREM PROPERTY TAXES</b>			334.75			334.75		334.75
<b>TOTAL TAXES</b>			952.72			938.87		953.89

### PROPERTY APPRAISER VALUE INFORMATION

	MARKET VALUE	ASSESSED VALUE APPLIES TO SCHOOL MILLAGE	ASSESSED VALUE APPLIES TO NON-SCHOOL
<b>PRIOR YEAR (2016)</b>	64,430	55,130	55,130
<b>CURRENT YEAR (2017)</b>	80,706	56,288	56,288

Applied Assessment Reductions	Applies To	Prior Value(2016)	Current Value (2017)
Save Our Homes	All Taxes	9,300	24,418
10% Cap on Non-Homestead	Non-School Taxes	0	0

If you feel that the market value of your property is inaccurate or does not reflect fair market value, or if you are entitled to an exemption or classification that is not reflected above, contact your county Property



Section 8, Item H.

**Herrera Fence**  
Proposed Fence around property



ROEL HERRERA  
495 DAVIS ST  
LABELLE FL 33935

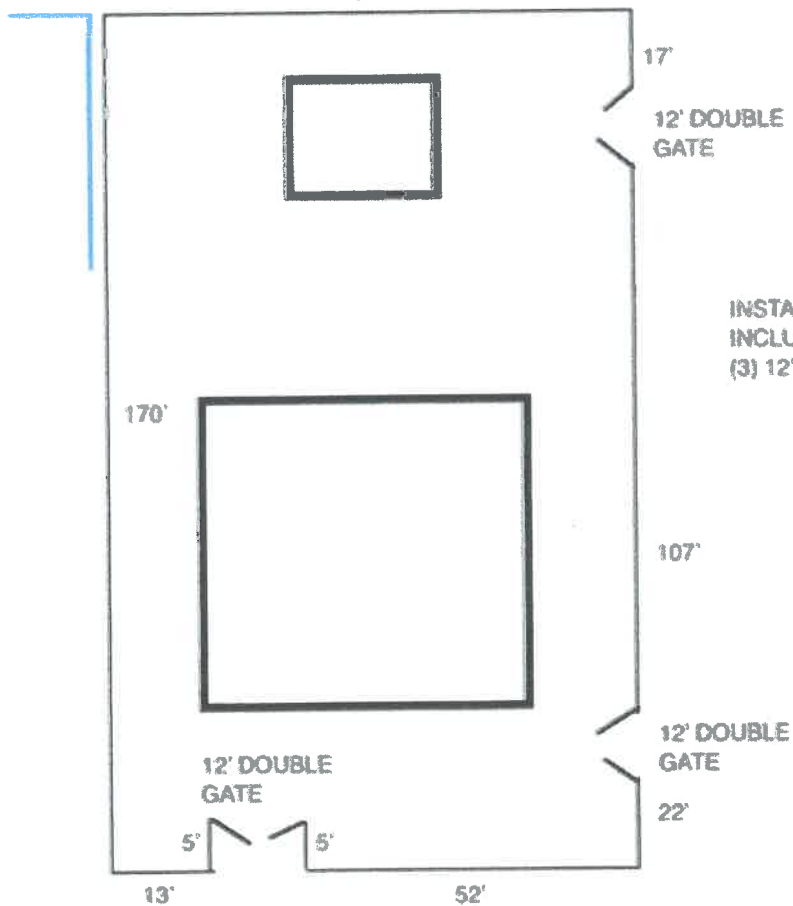


Customer Signature

MATERIAL TYPE:  
5'H BLACK CHAIN LINK FENCE WITH BOTTOM TENSION WIRE

CUSTOMER REMOVING VEGETATION  
AND FENCE PRIOR TO INSTALL DATE

GAP BASED OFF  
PROPERTY PINS  
COULD BE 6" FROM NEIGHBOR 73'



INSTALL 500' OF FENCE WITH BOTTOM WIRE  
INCLUDING  
(3) 12'W DOUBLE GATES







# Estimate

Eagle Fence  
940 Country Club Blvd  
Cape Coral, FL 33990  
(239) 322-4511  
CGC1532382

**Contact:** Roel & Belinda Herrera  
495 Davis St  
Labelle, FL 33935

**Estimate No:** 46387  
**Estimate Date:** 4/15/2025

Item Name	Description	Qty	Price	Amount
5' BLACK VINYL COATED CHAIN LINK	2 1/2" TERMINALS 1 5/8" LINE POST 1 3/8" TOP RAIL 2 X 9 GA WIRE  QTY: AMOUNT OF LINEAR FT	500.00	\$17.00	\$8,500.00
  				
5' HIGH X 12' WIDE DOUBLE GATE (BLACK VINYL COATED CHAIN LINK)	CUSTOM WELDED GATE ALL HARDWARE INCLUDED	3.00	\$500.00	\$1,500.00
BOTTOM TENSION WIRE	OPTION OF BOTTOM TENSION WIRE	464.00	\$1.50	\$696.00
PERMIT FEE	PLANS INCLUDED	1.00	\$250.00	\$250.00
NEW SHOWROOM NOW OPEN!	COME CHECK OUT THIS STYLE OF FENCE IN OUR NEWLY UPDATED SHOWROOM!	1.00	\$0.00	\$0.00
				
Sub Total:				\$10,946.00
Total:				\$10,946.00

PRICE ONLY VALID FOR 5 DAYS DUE TO CURRENT MARKET CONDITIONS.

REGARDING FENCE REPAIRS, PLEASE BE AWARE OUR MATERIAL MAY NOT BE A 100% MATCH.

**LICENSE # CGC1532382**

NOTICE OF COMMENCEMENT

STATE OF FLORIDA, COUNTY OF HENDRY

PERMIT #:

The undersigned hereby gives notice that improvements will be made to certain real property, and in accordance with Section 713.13 of the Florida Statutes, the following information is stated in this Notice of Commencement:

Legal Description of Property: LA BELLE BLK 112 SUB BEAUTIFUL S/D LOT 16 + S 1/2 OF LOT 17  
Strap #: 2 29 43 01 010 0074-216.0 Street Address: 495 DAVIS ST LABELLE, FL 33935  
Owner: ROEL & BELINDA HERRERA  
Address: 495 S DAVIS ST LABELLE, FL 33935

Interest in Property: \_\_\_\_\_  
Name and address of fee simple titleholder (if other than the Owner): \_\_\_\_\_

Description of Improvements: FENCE INSTALLATION

Contractor – name and address: EAGLE FENCE & 940 COUNTRY CLUB BLVD CAPE CORAL FL 33990

Phone: 239-322-4511

Surety – name and address: \_\_\_\_\_

Phone: \_\_\_\_\_ Amount of bond: \_\_\_\_\_

Name and address of Lender: \_\_\_\_\_

Persons with the State of Florida designated by owner upon whom notices or other documents may be served as provided by Section 713.13(1)(a)7, Florida Statutes (name and address): \_\_\_\_\_

Phone: \_\_\_\_\_ Fax: \_\_\_\_\_

In addition to himself, Owner designates \_\_\_\_\_ to receive a copy of the Lienor's Notice as provided in Section 713.13(1)(b), Florida Statutes. Phone: \_\_\_\_\_

Expiration date of Notice of Commencement (the expiration date is 1 year from the date of recording unless a different date is specified): \_\_\_\_\_

WARNING TO OWNER. ANY PAYMENTS MADE BY THE OWNER AFTER THE EXPIRATION OF THE NOTICE OF COMMENCEMENT ARE CONSIDERED IMPROPER PAYMENTS UNDER CHAPTER 713, PART 1, SECTION 713.13, FLORIDA STATUTES, AND CAN RESULT IN YOUR PAYING TWICE FOR IMPROVEMENTS TO YOUR PROPERTY. A NOTICE OF COMMENCEMENT MUST BE RECORDED AND POSTED ON THE JOB SITE BEFORE THE FIRST INSPECTION. IF YOU INTEND TO OBTAIN FINANCING, CONSULT WITH YOUR LENDER OR AN ATTORNEY BEFORE COMMENCING WORK OR RECORDING YOUR NOTICE OF COMMENCEMENT.

\_\_\_\_\_  
Owner or Owner's Authorized Agent

The foregoing instrument was acknowledged before me by means of ☐ physical presence or ☐ online notarizations, this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, by \_\_\_\_\_ as \_\_\_\_\_ for \_\_\_\_\_, who is personally known to me or produced \_\_\_\_\_, as identification.

(seal) \_\_\_\_\_  
Notary Public

Verification pursuant to Section 92.525, Florida Statutes.  
Under penalties of perjury, I declare that I have read the foregoing and that the facts stated in it are true to the best of my knowledge and belief.

\_\_\_\_\_  
Owner or Owner's Authorized Agent



**From:** [Mitch Wills](#)  
**To:** [Kim Barselou](#); [Alexis Crespo](#); [Patty Kulak](#); [Tia Warner](#)  
**Subject:** Re: NEW APP\_VARIANCE\_495 DAVIS ST\_HERRERA\_#1575  
**Date:** Thursday, May 15, 2025 6:07:59 AM  
**Attachments:** [image001.jpg](#)

---

Alexis, I did a site visit with the applicant and agree for their safety concerns to the variance and just my recommendation for approval.

Mitchell

Get [Outlook for iOS](#)

---

**From:** Kim Barselou <[kimbarselou@citylabelle.com](mailto:kimbarselou@citylabelle.com)>  
**Sent:** Wednesday, May 14, 2025 4:25:32 PM  
**To:** [acrespo@rviplanning.com](mailto:acrespo@rviplanning.com) <[acrespo@rviplanning.com](mailto:acrespo@rviplanning.com)>; [Patty Kulak <pkulak@rviplanning.com>](mailto:pkulak@rviplanning.com);  
[Mitch Wills <mwills@citylabelle.com>](mailto:mwills@citylabelle.com); [Tia Warner <tiawarner@citylabelle.com>](mailto:tiawarner@citylabelle.com)  
**Subject:** NEW APP\_VARIANCE\_495 DAVIS ST\_HERRERA\_#1575

Application fee paid

Variance-Fence  
495 Davis St.  
Herrera

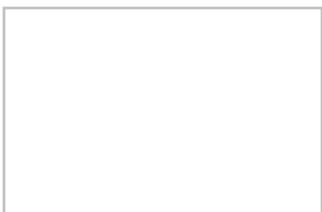
Attached is the variance and supporting documents.

Thank you,

*Kim Barselou*  
Administrative Assistant  
to the Superintendent  
of Public Works-  
Mitchell Wills

**City of LaBelle**  
481 W. Hickpochee Avenue  
LaBelle, FL 33935

863-675-2872 Ex 231  
[kimbarselou@citylabelle.com](mailto:kimbarselou@citylabelle.com)



Please Note: Florida has a very broad public records law. Most written communications to or from city personnel or agents regarding city business is a public record and must be made available to the public and media upon request. This includes e-mail communications.

Links contained in this email have been replaced. If you click on a link in the email above, the link will be analyzed for known threats. If a known threat is found, you will not be able to proceed to the destination. If suspicious content is detected, you will see a warning.

**External Email: Do not click any links or open any attachments unless you trust the sender and know the content is safe.**