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**ORDINANCE  
NUMBER 2019-10**

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**AN ORDINANCE OF THE CITY OF LABELLE, FLORIDA;  
AMENDING CHAPTER 12, ARTICLE II, SECTIONS 12-40  
AND 12-41 OF THE CITY OF LABELLE CODE OF  
ORDINANCES; AND CHAPTER 4, ARTICLE V, SECTION  
4-83 OF THE CITY OF LABELLE LAND DEVELOPMENT  
CODE, CREATING TEMPORARY USE REGULATIONS;  
PROVIDING FOR CODIFICATION, SEVERABILITY,  
CONFLICTS AND AN EFFECTIVE DATE.**

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**RECITALS**

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**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

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**WHEREAS**, the City Commission recognizes the need for standards for regulation temporary uses to uphold the City’s vision for a well-planned and attractively built environment; and

**WHEREAS**, the City Commission recognizes the need for regulations intended to provide economic development and entrepreneurial opportunities for applicable businesses and landowners on a temporary basis, while ensuring a compatible land use pattern, and high-quality development; and

**WHEREAS**, the City of LaBelle desires to maintain minimum regulations 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 and the City Commission on June 13, 2019 and August 8, 2019; 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. Chapter 12, Article II, Sections 12-40 and 12-41 of the Code of Ordinances of the City of LaBelle; and Chapter 4, Article V,

46 Supplementary Regulations of the City of LaBelle are hereby amended with the following  
47 provisions:

48  
49 **THE LABELLE CODE**

50  
51 **CHAPTER 12 – OFFENSES**

52  
53 **ARTICLE II. – NOISE ABATEMENT**

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55 **Sec. 12-40. - Waivers.**

56 (a) Waivers to the application of this article for a specific continuing activity, such as, but not  
57 limited to, a construction project or the use of construction equipment, may be obtained  
58 pursuant to the requirements of this section. Where a waiver is granted in accordance with this  
59 section it does not exempt the applicant from obtaining a temporary use permit in accordance  
60 with Section 4-83 of the Land Development Code for applicable events and activities, which  
61 may be submitted concurrently by the applicant.

62  
63 *(b) through (i) of this section - No changes*

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65 **Sec. 12-41. - Special variances.**

66 (a) Special variances to the application of this article for a specific event may be obtained pursuant  
67 to this section for the following activities. Where a variance is granted in accordance with this  
68 section it does not exempt the applicant from obtaining a temporary use permit in accordance  
69 with Section 4-83 of the Land Development Code for applicable events and activities, which  
70 may be submitted concurrently by the applicant.

- 71 (1) Activities requiring a permit from the city.  
72 (2) Activities which do not require a formal permit but do require permission to use city-  
73 owned facilities.  
74 (3) Activities or events held on privately owned property which may violate the provisions  
75 or restrictions of this article.

76  
77 *(b) through (d) of this section – No changes.*

78  
79 **LAND DEVELOPMENT CODE**

80  
81 **CHAPTER 4 – ZONING**

82  
83 **ARTICLE V. – SUPPLEMENTARY DISTRICT REGULATIONS**

84  
85 **Sec. 4-83. – Temporary Uses**

86 4-83.1. Purpose and intent. The purpose of this section is to specify regulations applicable  
87 to certain temporary uses, which vary in terms of type, degrees and duration, and because  
88 of their potential impact on public infrastructure, services, and surrounding land uses,  
89 require a temporary use permit. Unless otherwise specified in these zoning regulations, the  
90 following regulations shall govern temporary uses. No temporary use identified herein  
91 shall be exempt from the permit requirement except in accordance with this section.  
92

93 4-83.2. Applicability. Any person or entity that desires to conduct any temporary use  
94 described in this section, or as determined to require a temporary use permit by the  
95 Superintendent of Public Works or their assigns, shall be required to submit an application  
96 for a permit, and obtain the permit before conducting the use. A permit issued to a  
97 corporation, organization, or entity shall suffice for the persons engaging in the use on the  
98 site on behalf of the corporation, organization, or entity. The owner(s) of the property upon  
99 which the temporary use is to be conducted shall be bound by the terms of the permit and  
100 shall signify consent to the permit by signing the permit application before it is filed with  
101 the City.  
102

103 (a) Examples of temporary uses regulated by this section may include, but are not  
104 limited to, the following:  
105

- 106 1. Outdoor sales, parking lot sales or tent sales of merchandise, products,  
107 services or other commercial activities.
- 108 2. Event uses, such as fairs, carnivals, circuses, and expositions or fair  
109 associations chartered in accordance with F.S. Ch. 616.
- 110 3. Fund raising events conducted offsite by charitable organizations, nonprofit  
111 corporations, or school groups, as well as promotions, sales and other  
112 activities by charitable organizations, nonprofit corporations, or school  
113 groups.
- 114 4. Seasonal and holiday related promotions and sales, including Christmas tree  
115 sales, pumpkin sales, fireworks sales, and the like.
- 116 5. Neighborhood and community-wide yard sales and garage sales.
- 117 6. Any other temporary use similar in nature to the ones listed above, as  
118 determined by the Superintendent of Public Works or their assigns.  
119

120 (b) Exemptions: The permit requirement of this section shall not apply to the  
121 following types of uses, provided that such uses shall be required to meet all other  
122 requirements of law, including but not limited to obtaining building or sign permits  
123 for temporary structures or signage:  
124

- 125 1. Yard or garage sales conducted on residential parcels; provided that the use  
126 does not exceed two (2) consecutive calendar days in length and no more  
127 than three (3) events or sales per year.
- 128 2. Grand opening sales by resident merchants connected with the grand  
129 opening of a permanent use at the premises, including outside food and  
130 beverage vending; provided such use does not exceed five (5) consecutive  
131 calendar days.

- 132 3. Temporary outdoor storage in residential districts, incidental to and  
133 exclusively in association with the construction of a principal structure and  
134 only while a valid building permit is in effect.  
135 4. Mobile food vending and street vending at a temporary location, as those  
136 temporary uses are subject to the provisions of Chapter 11, Article V of the  
137 Code of Ordinances.  
138 5. Such temporary uses which are extensions of the principal permitted use(s)  
139 on-site, and which are to be conducted on the premises but outside the  
140 principal structure in which those uses are permitted to occur; provided such  
141 use does not exceed five (5) consecutive calendar days.  
142 6. Temporary religious or revival activities conducted on-site, but outside the  
143 structures of the place of worship, such as vacation bible school and other  
144 church festivals and activities conducted no more than once per month.  
145 7. Sidewalk sales, clearance, or tent sales conducted on-site by a resident  
146 merchant but outside the principle permitted structures for such use.  
147 8. School events conducted on-site but outside the principal permitted  
148 structures for such use.  
149 9. Events on city-owned property which are not in conjunction with an  
150 alcoholic beverage permit.  
151 10. Events conducted by non-profit civic or fraternal organizations occurring  
152 no more than six (6) times per year.  
153 11. Events that have a duration less than six (6) hours, not occurring more than  
154 once a month, and not in conjunction with an alcoholic beverage permit,  
155 such as ribbon cuttings, car washes, company events or other similar uses,  
156 are not required to obtain a temporary use permit.  
157 12. Notwithstanding the above, the City Commission may waive the  
158 requirement to file a temporary use permit by a majority vote during a  
159 regularly scheduled meeting.  
160

161 4-83.3. Minimum Standards. The following minimum standards apply to all temporary  
162 uses subject to this section.  
163

164 (a) Location. Temporary uses are allowed as permitted in all zoning districts subject to  
165 the following regulations:

- 166 1. Temporary use permits shall only be issued within the zoning districts for which the  
167 use is allowed by right or for those uses which have been permitted by special  
168 exception. For example, temporary use permits for commercial, sales, or services uses  
169 shall not be issued in residential districts. Carnivals, and other intensive temporary  
170 uses that are not permitted in any zoning district, may be permitted in accordance with  
171 this section on city-owned properties, and B-2, B-3 and industrially-zoned properties.  
172 2. Temporary uses are permitted on vacant lots, or in the parking lots or grassed areas of  
173 developed properties when the temporary use is ancillary to the principal use. However,  
174 a temporary use cannot occupy on-site parking required by these land development  
175 regulations to accommodate the ordinary parking requirements of the existing

176 structures and principal uses on the property unless approved by the Superintendent of  
177 Public Works, or their assigns.

178 3. No activity, temporary tent, mechanical device, temporary sanitary facility, or animal  
179 associated with any outdoor temporary use shall be closer than one hundred (100) feet  
180 from any residentially-zoned property.

181 4. The area of the lot where the temporary use will be located must be clearly defined on  
182 the site plan, and must not obstruct pedestrian and vehicular movements or interfere  
183 with any preserve or water management areas.

184  
185 (b) Hours of Operation. Hours of operation must be confined to those specified in the  
186 permit, and unless otherwise specified shall be limited to 8:00 a.m. to 7:00 p.m.,  
187 Monday through Thursday; 8:00 a.m. to 9:00 p.m. on Friday and Saturday; and 10:00  
188 a.m. to 6:00 p.m. on Sundays. With the exception of outdoor display of vehicles and  
189 similar large commodities, all merchandise for sale must be moved indoors when  
190 outside the hours of operation.

191  
192 (c) Signage. Temporary signage advertising the event may be erected on the property in  
193 compliance with the standards set forth in Section 4-81 of the Land Development  
194 Code.

195  
196 (d) Structural improvements. Any temporary structures or exhibits to be constructed must  
197 be permitted in conjunction with the temporary use permit and subject to all other  
198 permit and inspection requirements of applicable city codes and state law.

199  
200 (e) Lighting. No permanent or temporary lighting may be installed without approval from  
201 the Building Official and any electrical permitting required at their discretion.  
202 Temporary lighting used to illuminate the outdoor event after dusk shall be designed  
203 and arranged to reflect away from adjacent properties and oncoming traffic.

204  
205 (f) Cleanup. The site must be cleared of all debris at the end of the temporary use and all  
206 temporary structures must be removed within forty-eight (48) hours after termination  
207 of the use.

208  
209 (g) Traffic Control. Traffic control as may be required by the Hendry County Sheriff's  
210 Department and/or the Superintendent of Public Works. If required, provision of  
211 traffic control must be arranged and paid for by the applicant.

212  
213 (h) Noise. All activities must conform with the noise control regulations set forth in  
214 Chapter 12 of the Code of Ordinances, unless a special waiver or variance is granted  
215 in accordance with Chapter 12, Article II. Such special waiver or variance application  
216 may be submitted concurrently with the temporary use permit.

217  
218 4-83.4 Application Requirements and Procedures. Temporary use permits are restricted to  
219 those activities and locations listed on the application and all temporary uses shall be  
220 confined to the dates and times specified in the permit. A separate temporary use permit is  
221 required for each temporary use.

222 (a) All applications for a temporary use permit shall be submitted to the Superintendent of  
223 Public Works. Applications will be reviewed within thirty (30) days of submittal to the  
224 City. The Superintendent of Public Works shall grant or deny a temporary use permit  
225 or may grant a temporary use permit subject to suitable conditions, safeguards, and  
226 stipulations within seven (7) working days. If denied, a letter will be provided to the  
227 Applicants stating the reasons in writing.

228  
229 (1) Application form. The applicant shall ensure that the application is accurate and  
230 complete. Any intentional misrepresentations on the application by the applicant  
231 shall be grounds for denying the permit. The application shall be made on a form  
232 provided by the City with the following information:

- 233 i. The name, address and telephone number of the applicant; and
- 234 ii. The address and legal description of the property where the temporary use  
235 will be held. If the property is not owned by the applicant, the name, address  
236 and telephone number of the owner(s) of the property and notarized  
237 authorization of all property owner(s) of record or their authorized agents,  
238 for use of the property; and
- 239 iii. The date(s) of the event and hours of operation; and
- 240 iv. The nature of the existing uses on the property along with the proposed  
241 temporary use; and calculation of required parking for existing use as well  
242 as anticipated parking needs, including overflow; and
- 243 v. The business tax receipt (BTR) of the applicant, if applicable.
- 244 vi. Certificate of insurance and hold harmless agreement acceptable to the  
245 City Attorney.

246  
247 (2) A legible site plan indicating the following:

- 248 i. Vehicular access onto the property; and
- 249 ii. Location and use of any existing structures on the property; and
- 250 iii. Location of any sanitary facilities; and
- 251 iv. Location and amount of current and anticipated parking areas, including  
252 overflow.

253  
254 (3) For all permits, at the discretion of the Superintendent of Public Works, the  
255 following additional application requirements shall be provided:

- 257 i. A letter from the Hendry County Sheriff's Office setting forth the Sheriff's  
258 or their designee's determination whether any additional security or police  
259 service is necessary and the arrangement that has been made to  
260 accommodate that need; and
- 261 ii. Letters from the Hendry County EMS and City of LaBelle Fire Department  
262 setting forth determinations on whether any additional fire or rescue service  
263 is necessary and whether an arrangement has been made to accommodate  
264 that need;
- 265 iii. Before any temporary use permit is issued for motor vehicle or recreational  
266 vehicle sales, the applicant must furnish the city with a copy of a current

267 motor vehicle dealer or recreational dealer's license as required by F.S. Ch.  
268 320.

269  
270 4-83.5. Time Limits. All uses must be confined to the dates specified on the temporary use  
271 permit. A temporary use will not be permitted for more than 30 contiguous days. A  
272 temporary use permit may not be renewed or reissued to the same applicant or on the same  
273 premises for a similar use more than four (4) times in a calendar year or within forty-five  
274 (45) days from the date of expiration of the previous temporary use permit, unless  
275 otherwise specified in the permit.

276  
277 4-83.6. Decision-Making Criteria. In reviewing an application, the Superintendent of  
278 Public Works or their assigns shall take the following factors into account:

- 279  
280 (a) Ensure that the proposed temporary use complies with all the requirements of this  
281 Section; and  
282 (b) Review the compatibility of any proposed use with surrounding uses, ensuring that  
283 any anticipated nuisances or incompatible features involved are suitably separated  
284 from adjacent uses; and  
285 (c) Ensure that the proposed temporary use will not create any vehicular parking or  
286 circulation problems or will result in excessive vehicular traffic being generate or  
287 diverted onto residential streets.

288  
289 4-83.7. Supplementary Standards Specific Uses.

290  
291 (a) Temporary contractor's office and equipment storage shed. Contractor's office or  
292 construction equipment shed may be permitted in any district where use is incidental  
293 to an ongoing construction project with an active building permit or development order,  
294 and may be permitted for periods longer than 2 weeks. Such office or shed shall not  
295 contain sleeping or cooking accommodations, not including ancillary appliances such  
296 as microwave, refrigerator or coffee maker. The contractor's office and construction  
297 shed shall be removed within 30 days of the date of final inspection for the project.

298  
299 (b) Horse shows and exhibitions.

- 300 i. A horse show or exhibition may be permitted at a boarding or commercial stable  
301 for special occasions, including, but not limited to, dressage shows, exhibitions  
302 and contests.  
303 ii. A temporary use permit shall be required for those horse shows and exhibitions,  
304 at commercial stables, where more than 15 horses (outside entrants) participate  
305 at any one time.  
306 iii. The maximum length of time for such use shall not exceed 15 days.

307  
308 (c) Temporary use of mobile home.

- 309 i. Rehabilitation or construction of residence following disaster.

- 310 a. If fire or other emergency as defined in F.S. § 252.34 renders a single-family  
311 residence unfit for human habitation, the temporary use of a mobile home,  
312 travel trailer or park-trailer located on the single-family lot during  
313 rehabilitation of the original residence or construction of a new residence  
314 may be permitted subject to the regulations set out in this section.
- 315 b. The maximum duration of the use is 18 months or 540 days after the date  
316 the President of the United States issues a disaster declaration. If no disaster  
317 declaration is issued, then the maximum duration of the use is six months.  
318 The Superintendent of Public Works, or their assigns, may extend the permit  
319 once for a period not to exceed 60 days in the event of circumstances beyond  
320 the owner's control. Application for an extension must be made prior to  
321 expiration of the original permit. Additional extensions may be granted only  
322 by the City Commission approval.
- 323 ii. Rehabilitation or construction of a damaged business, commercial or  
324 industrial uses following disaster.
- 325 a. Business, commercial or industrial uses, damaged by a major or catastrophic  
326 disaster necessary for the public health and safety or that will aid in restoring  
327 the community's economic base, may be permitted to use a mobile home or  
328 similar type structure to carry out their activities until the damaged structure  
329 is rebuilt or replaced according to applicable development or redevelopment  
330 regulations.
- 331 b. The maximum duration of the temporary use is nine months or 270 days after the  
332 date the President of the United States or Governor of the State of Florida issues  
333 a disaster declaration. If no disaster declaration is issued, then the maximum  
334 duration of the use is six (6) months. The Superintendent of Public Works, or their  
335 assigns, may extend the permit once for a period not to exceed 60 days in the event  
336 of circumstances beyond the owner's control. Application for an extension must  
337 be made prior to expiration of the original permit. Additional extensions may be  
338 granted only by City Commission approval.
- 339
- 340
- 341 iii. Construction of residence in AG district.
- 342
- 343 a. A temporary mobile home may be permitted to be emplaced on a lot during  
344 construction of a conventional single-family dwelling in the agricultural  
345 district.
- 346
- 347 b. The mobile home must be removed from the property within ten days of the  
348 issuance of the certificate of occupancy, or expiration of the building permit for  
349 the conventional dwelling, whichever occurs first.
- 350
- 351 c. Required water and sanitary facilities must be provided.
- 352
- 353 d. The mobile home, travel trailer or park trailer must be removed from the  
354 property within ten days after the certificate of occupancy is issued for the new

355 or rehabilitated residence, business, commercial or industrial use or upon  
356 expiration of the temporary use permit, whichever occurs first.

357  
358 e. Placement or setting of the mobile home, travel trailer or park trailer must  
359 comply with chapter 6, article IV, pertaining to floodplain management.

360  
361 (d) Temporary telephone distribution equipment. Telephone distribution equipment may be  
362 granted a temporary permit during planning and construction of permanent facilities,  
363 provided that:

364  
365 i. The equipment is less than six feet in height and 300 cubic feet in volume; and  
366  
367 ii. The maximum length of the use shall be six months, but the Superintendent of  
368 Public Works, or their assigns, may extend the permit for a period not to  
369 exceed six additional months in the event of circumstances beyond the control  
370 of the telephone company. Application for an extension shall be made at least  
371 15 days prior to expiration of the original permit.

372 (e)Temporary parking lots. Temporary parking lots may be permitted in commercial and  
373 industrial zoning districts, provided that they are in compliance with section 4-1732.

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

379  
380 **Section 4. Severability.** In the event that any portion of this Ordinance is for any  
381 reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall  
382 be deemed a separate, distinct and independent provision, and such holding shall not affect the  
383 validity of the remaining portions of this Ordinance.

384  
385 **Section 5. Conflicts.** The provisions of this article shall supersede any provisions  
386 of existing ordinances in conflict herewith to the extent of said conflict.

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

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