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**CITY OF LABELLE
ORDINANCE 2019-18
SPECIAL EXCEPTION**

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AN ORDINANCE OF THE CITY OF LABELLE, FLORIDA, ALLOWING FOR A SPECIAL EXCEPTION IN THE CITY OF LABELLE; TO ALLOW FOR MOBILE VENDING OF FOOD AND BEVERAGE AT THE SUBJECT PROPERTY LOCATED AT 1840 WEST HICKPOCHEE AVENUE, CITY OF LABELLE, FLORIDA, COMMONLY KNOWN AS THE TRACTOR SUPPLY COMPANY; PROVIDING FOR IDENTIFICATION OF THE SUBJECT PROPERTY; PROVIDING FOR INTENT; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

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WHEREAS, Jonesez BBQ, Inc, c/o Nekia Jones, the Applicant, has filed a Special Exception application to allow for mobile vending of food and beverage at the subject property located at 1840 West Hickpochee Avenue in the City of LaBelle; and,

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WHEREAS, a duly advertised public hearing was held on September 12, 2019 before the City of LaBelle City Commission; and,

WHEREAS, the City Commission for the City of LaBelle has determined that the requested Special Exception 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 Special Exception meets the criteria for approval in accordance with Chapter 4, Section 4-41, of the Land Development Code; and,

WHEREAS, the City Commission for the City of LaBelle has determined that the requested Special Exception meets the regulations specific to street vending within the City as set forth in Chapter 11 of the Land Development Code; 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 Special Exception application is hereby granted to allow for mobile vending of food and beverage at the subject property located at 1840 West Hickpochee Avenue, City of LaBelle, Florida, subject to the following conditions:

1. A maximum of one (1) mobile food vending vehicle or trailer is permitted on the subject property.
2. The special exception permit is non-assignable and non-transferrable; nor shall it run with the land. The special exception and any vending vehicle must be owned and operated by

46 Jonesez BBQ, Inc. and only provided Tractor Supply Company remains the principal
47 tenant of the property.

- 48 3. The size of the trailer may not exceed 8'X16' and 8' in height.
- 49 4. The mobile food vending vehicle and grill area must be located on the property in
50 accordance with the Site Plan, Exhibit C. The trailer must be located on the six (6) parking
51 spaces in the southeast corner of the parking lot and may not impede/obstruct drive aisles.
- 52 5. The trailer must operate in accordance with all provisions and regulations set forth in
53 Chapter 11, Article V.
- 54 6. The mobile vending trailer must be located in accordance with the street vending locational
55 restrictions set forth in LDC Section 11-125, including a 20-foot setback from street rights-
56 of-way, 15 feet of a driveway, and 15 feet of any building entrance.
- 57 7. Sales may occur from the mobile food vending vehicle/trailer during the hours of 10 a.m.
58 until 8 p.m. The vehicle/trailer may be located on site between the hours of 9 a.m. to 9 p.m.
59 for set-up and cleaning activities.
- 60 8. No piped/amplified music is permitted.
- 61 9. No outdoor seating ancillary to the mobile food vending vehicle/trailer for the use of
62 patrons to consume food products on-site is permitted.
- 63 10. All refuse must be taken from the site or disposed of in the Tractor Supply Company
64 dumpsters.
- 65 11. A maximum of two (2) temporary on-premises directional/informational signs shall be
66 permitted, not exceeding two (2) square feet in area and four (4) feet in height.
- 67 12. This Special Exception approval is valid for a period of two (2) years from the date of
68 issuance for the Applicant, Jonesez BBQ, Inc., only. Any modifications to the site plan,
69 conditions, or change in vendor will require a new Special Exception permit. This permit
70 may be extended in accordance with Chapter 11.

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

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

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

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85 **PASSED AND ADOPTED** in open session this ____ day _____, 2019.

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THE CITY OF LABELLE, FLORIDA

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By: _____

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David A Lyons, Mayor

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Attest:

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Thomas A. Smith, Clerk-Commissioner

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APPROVED AS TO FORM AND

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LEGAL SUFFICIENCY:

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By: _____

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Derek Rooney, City Attorney

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Vote:

AYE

NAY

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Mayor Lyons

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Commissioner Smith

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Commissioner Wilkins

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Commissioner Akin

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Commissioner Zimmerly

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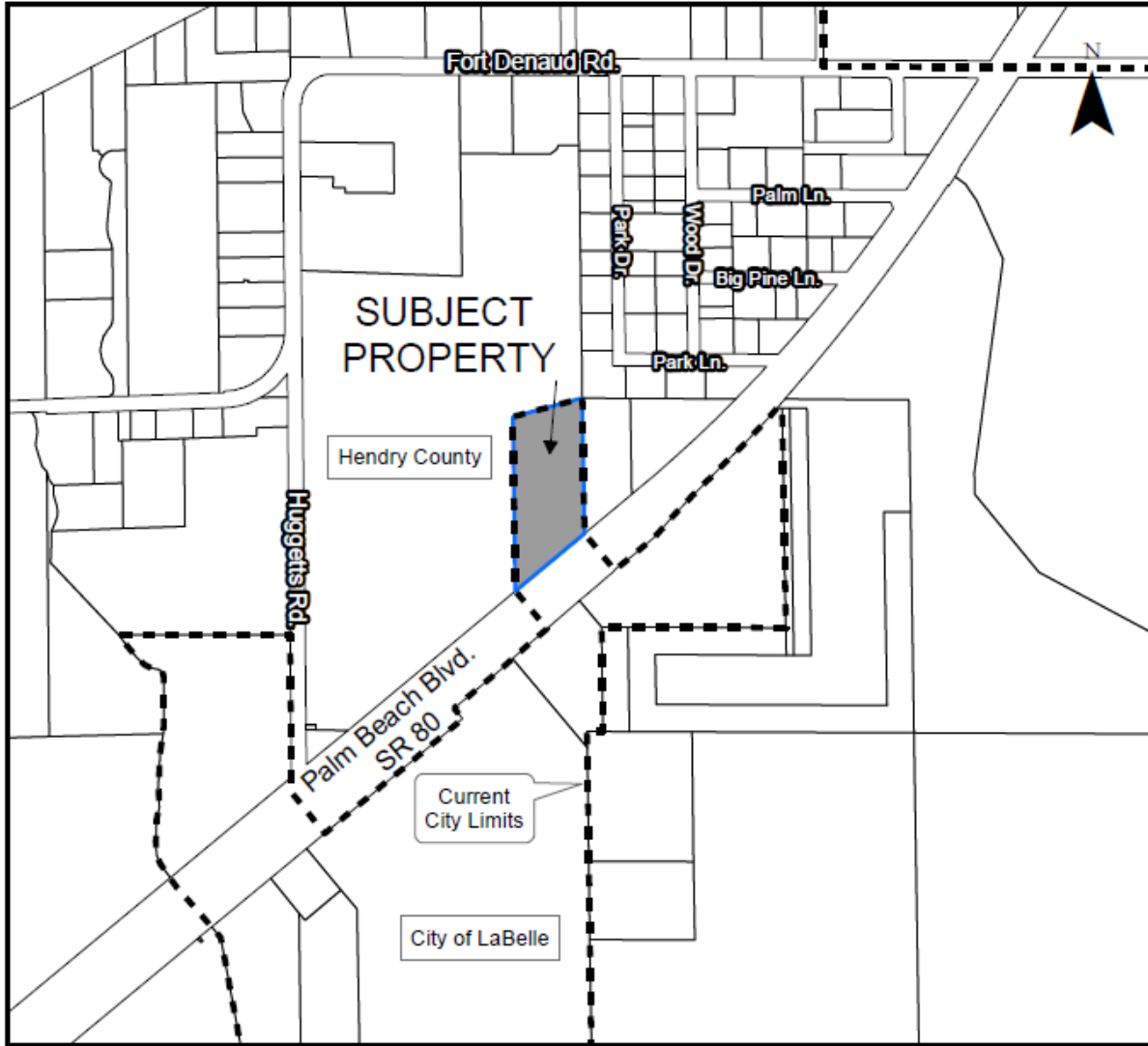
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EXHIBIT A
LEGAL DESCRIPTION

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117 A PARCEL OF LAND LYING AND BEING IN SECTION 18, TOWNSHIP 43S, RANGE 29E,
118 HENDRY COUNTY, FLORIDA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:
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120 BEGINNING AT THE SOUTHEAST CORNER OF THE NORTHWEST $\frac{1}{4}$ OF THE
121 NORTHWEST $\frac{1}{4}$ SECTION OF 18, TOWNSHIP 43S, RANGE 29E, ALSO KNOWN AS THE
122 SOUTHWESTERLY CORNER OF PARKWOOD ESTATES AS RECORDED IN PLAT BOOK
123 3, PAGE 23, RUN S 74°39'11" W A DISTANCE OF 288.87 FEET; THENCE S 01°22'16" E A
124 DISTANCE OF 697.00 FEET TO THE NORTH RIGHT OF WAY LINE OF STATE ROAD 80;
125 THENCE N 49°52'18" E, ALONG THE NORTH RIGHT OF WAY LINE OF STATE ROAD 80
126 A DISTANCE OF 359.47 FEET; THENCE N 01°22'16" W ALONG THE EAST LINE OF THE
127 SOUTHWEST $\frac{1}{4}$ OF THE NORTHWEST $\frac{1}{4}$ SECTION OF 18 A DISTANCE OF 541.73 FEET
128 TO THE POINT OF THE BEGINNING, CONTAINING 4.00 ACRES MORE OR LESS.
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EXHIBIT B LOCATION MAP



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EXHIBIT C SPECIAL EXCEPTION SITE PLAN

