



*Thomas A. Smith*  
Commissioner

*Daniel W. Akin*  
Commissioner

*Julie C. Wilkins*  
Commissioner

*David Kelley*  
Commissioner

*“The City of Oaks”*

*David A. Lyons*  
Mayor

**CITY OF LABELLE  
LOCAL PLANNING AGENCY  
May 14, 2020**

**6:00 P.M.**

**\*MEETING TO BE HELD IN LABELLE CIVIC CENTER BEHIND CITY HALL\***

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**It shall be the responsibility of all parties, who may want to appeal a decision of the Local Planning Agency to make a verbatim record of the proceedings, testimony, and evidence needed for the appeal.**

**A. CALL TO ORDER**  
Roll Call

**B. PUBLIC HEARINGS**

1. Public Hearing on proposed Ordinance 2020-07 relating to a Land Development Code Amendment for open space and native preserve requirements.
2. Public Hearing on proposed Ordinance 2020-08, relating to Industrial Waste Pre-Treatment Standards and Grease Trap Ordinance.
3. Public Hearing on proposed Ordinance 2020-09, relating to the regulation of mobile food vending carts and trailers as part of a special event/temporary use.

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**ORDINANCE  
NUMBER 2020-07**

**AN ORDINANCE OF THE CITY OF LABELLE, FLORIDA; AMENDING THE CITY OF LABELLE LAND DEVELOPMENT CODE, CHAPTER 2, LANGUAGE AND DEFINITIONS; AMENDING ARTICLE IV, DISTRICT REGULATIONS, SECTION 4-63, RNU (RESIDENTIAL NEIGHBORHOOD URBAN) ZONE, AND SECTION 4-76(B), BUSINESS AND INDUSTRIAL PROPERTY DEVELOPMENT REGULATIONS; AMENDING ARTICLE V, SUPPLEMENTARY DISTRICT REGULATIONS, SECTION 4-88, OPEN SPACE AND NATIVE PRESERVATION; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; PROVIDING FOR 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 recognizes the need for standards for open space and the preservation of native vegetation in developments to uphold the City's vision for a well-planned and attractively built environment; 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 on May 14, 2020 and the City Commission on June 11, 2020 and July 9, 2020; 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 2, Section 2-4, Language and Definitions; Article IV, District Regulations, Sections 4-63 and 4-76(B); and Article V, Supplementary Regulations, Section 4-88, of the City of LaBelle Land Development Code are hereby amended with the following provisions:

47 LAND DEVELOPMENT CODE

48  
49 CHAPTER 2 – LANGUAGE AND DEFINITIONS

50  
51 Sec. 2-4. – Definition of terms.

52  
53 *[ENTIRE SECTION NOT INCLUDED TO REDUCE LENGTH OF DOCUMENT]*

54  
55 Open space means an area or portion of land, either landscaped or essentially unimproved  
56 and which is used to meet human recreational or spatial needs, or to protect water, air, or plant  
57 areas; areas that are not occupied by buildings, parking areas, streets, driveways or similar  
58 impervious surfaces, and which may be developed with recreational amenities designed to  
59 encourage the use and enjoyment of the space either privately or by the general public. Open space  
60 includes pervious areas in privately-owned lots. Examples of open space include areas of preserved  
61 indigenous native vegetation; areas replanted with vegetation after construction; waterbodies;  
62 lawns; landscaped areas and greenways; outdoor recreational facilities; and other similar public  
63 spaces.

64  
65 Open space, usable means active or passive recreation areas such as parks, playgrounds,  
66 sports courts, golf courses, nature trails and other similar open spaces that are accessible to the  
67 general public, or in the case of private developments, those areas outside of privately-owned lots  
68 that are accessible by the residents of the development.

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71 CHAPTER 4 – ZONING

72  
73 ARTICLE IV. – DISTRICT REGULATIONS

74  
75 Sec. 4-63. - RNU (Residential Neighborhood Urban) zone.

76 4-63.1. *Purpose and intent. [No Change]*

77 4-63.2. *Definitions. [No Change]*

78 4-63.3. *[No Change]*

79 4-63.4. *Residential development standards.* In addition to the development standards  
80 established below, see Appendix B, section 4-76(a), residential property development standards.

81 1. *Garages.* Whenever possible, garages or carports shall either be detached or shall face  
82 the side or rear lot line. If this is not possible, the garage or carport shall be recessed no  
83 less than three (3) feet from the front of the principal structure. In no instance shall the  
84 garage or carport be closer to the frontage street lot line than the front of the principal  
85 structure.

86 2. *Roofs.*

87 (a) Principal structures shall have a roof slope no flatter than a 5:12 pitch.

88 (b) The roof of the principal structure shall include at least one (1) of the following:

- 89 (1) At least one (1) dormer facing the street, if applicable to roof style.  
90 (c) Roof eaves shall project from the building wall a minimum of twelve (12) inches,  
91 measured horizontally, on at least the front and side elevations.

92 3. *Windows and entryways.*

93 (a) At least fifteen (15) percent of the area of a street-facing facade must include  
94 windows and main entryways.

95 (b) Windows shall be square or vertical, at least as tall as it is wide; however two (2)  
96 or more vertical windows may be grouped together to provide a horizontal opening.  
97 Sunburst style windows are acceptable, as long as they meet these shape  
98 requirements.

99 (c) Trim is required on all faces of the exterior. For example: shutters, stucco trim  
100 around windows or stucco band around the building.

101 4. *Porches and balconies.*

102 (a) The principal structure shall include a front porch or stoop at all main entrances that  
103 face a street.

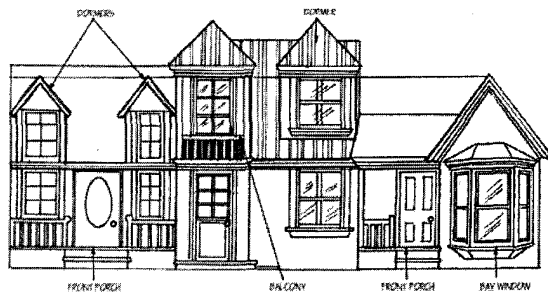
104 (b) All required porches that face a street shall be covered by a solid roof with a  
105 minimum pitch of 3:12. If the roof of a required porch is developed as a deck or  
106 balcony, it may be flat.

107 (c) Single-family detached porches shall be a minimum of forty-eight (48) square feet.

108 (d) Duplexes, triplexes, quadraplexes and other multifamily dwelling units shall  
109 include at least two (2) of the following architectural elements:

- 110 (1) Dormers;  
111 (2) Front porches;  
112 (3) Bay windows;  
113 (4) Balconies.

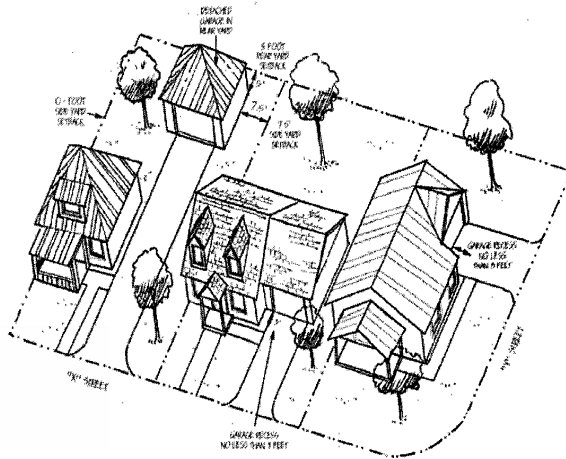
114 Required porches shall be a minimum of forty-eight (48) square feet. If the main entrance  
115 is for more than one (1) dwelling, the covered area provided by the porch shall be at least  
116 sixty (60) square feet.



118 5. *Walkways.* A walkway shall extend from the sidewalk or street to the main entrance. The  
119 walkway shall be no less than five (5) feet in width and shall be constructed of concrete  
120 or landscape pavers.

121 6. *Driveways and off-street parking.* Driveways shall be designed to avoid the domination  
122 of front yards by large expanses of impervious surface area, which deadens the streetscape  
123 and discourages pedestrian activity.

124 (a) Parking areas for new buildings or structures shall be located in the rear or side of  
125 the principal structure. Detached single-family dwellings are exempt from this  
126 requirement [see section 4-76(a)1.].

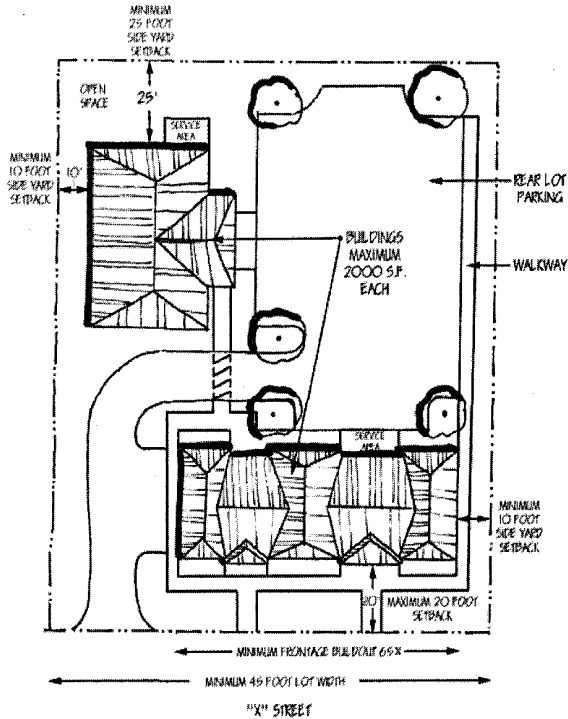


127 (b) All driveways and parking areas shall be constructed of a hard surface such as  
128 concrete, asphalt, landscape pavers or equivalent. Gravel, loose rock or mulch are  
129 not acceptable materials.  
130

131 ~~7. *Open space.* A minimum of twenty (20) percent of the gross site area shall be maintained~~  
132 ~~as open space.~~

133 4-63.5. *Nonresidential development standards.* In addition to the development standards  
134 established below, see Appendix B, section 4-76(a), residential property development standards.

135 1. Nonresidential permitted uses such as churches, day care centers or schools shall be  
136 designed in scale with the surrounding residential uses.



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138 2. Parking areas for new buildings or structures shall be located in the rear or side of the  
 139 principal structure. This subsection shall not apply to buildings that exist at the time of  
 140 establishment of the RNU zoning district.

141 3. Buildings shall contain ground level fenestration such as transparent windows, or  
 142 openings at street level and shall conform to the commercial design standards established  
 143 in LDC Appendix B, Article V.5, section 4-90.

144 4. Service entrances or service yards shall be located only in the rear or side yard of the  
 145 business use and shall be screened from adjacent residential uses by the installation and  
 146 maintenance of a solid wall or fence with a minimum height of four (4) feet, or a  
 147 vegetative hedge having a minimum mature height of four (4) feet. Trash receptacles shall  
 148 be located at the rear of the site and shall be screened from view with a wall or fence and  
 149 a gate.

150 A walkway shall extend from the sidewalk or street to the main entrance. The walkway  
 151 shall be no less than five (5) feet in width and shall be constructed of concrete or landscape  
 152 pavers.

153 5. All driveways and parking areas shall be constructed of a hard surface such as concrete,  
 154 asphalt, landscape pavers or equivalent. Gravel, loose rock or mulch are not acceptable  
 155 materials.

156 ~~6. A minimum of twenty (20) percent of the gross site area shall be maintained as open~~  
 157 ~~space.~~

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160 Sec. 4-76(b). - Business and industrial property development regulations.

Use	District	Minimum Parcel Size	Buildable Area	Minimum Lot Width	Minimum Yards/Setbacks			Maximum Height <sup>(2),(3)</sup> (feet)	Open Space (% of total site acreage)	
					Right-of-Way and/or Front <sup>(1)</sup> (feet)	Side (feet)	Rear (feet)			
B-1	Business Professional	5,000 s.f.	<i>Max. Floor Area</i>	50	10	5	10	40	<5,000 s.f.	10
									5,001 - 10,000 s.f.	12
		15,000							10,001 - 20,000 s.f.	15
									>20,000 s.f.	20
B-2	Business General	10,000 s.f.	<i>Building Coverage</i> 40%	100	20	5 interior/20 street side	15	40	30%	
B-3	Business Heavy	15,000 s.f.	40%	100	20	5 interior/20 street side	15	40	20%	
I-1A & I-1	Light Industrial	20,000 s.f.	60%	100	20	10 interior /20	15	45	20%	

						street side			
I-2	Heavy Industrial	20,000 s.f.	60%	100	20	5	15	45 <sup>(4)</sup>	15%

- 161 (1) No more than one double row of parking and associated drive aisle is permitted within the front yard.
- 162 (2) See Appendix B, § 4-1, Definitions.
- 163 (3) See Appendix B, § 4-85.6, Exceptions to height regulations.
- 164 (4) Subject to airport height guidelines.

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168 **ARTICLE V. – SUPPLEMENTARY DISTRICT REGULATIONS**

169 **Sec. 4-88. – Open space and native vegetation preservation.**

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- 172 **(a) Open space requirements.** Open space and usable open space for developments must
- 173 be provided in developments and redevelopment projects in accordance with this
- 174 section, unless a lesser amount is permitted by conditions of a Planned Unit
- 175 Development zoning ordinance.
- 176
- 177 (i) Open space shall be required for any residential or non-residential development or
- 178 redevelopment, excluding the following: agricultural activities; single-family
- 179 dwelling(s) on either lawfully platted or recorded lot(s); and duplex residential
- 180 structure(s) on either lawfully platted or recorded lot(s).
- 181
- 182 (ii) For the purposes of this section, small projects are those developments under two
- 183 (2) acres in size. Large projects are those projects two (2) acres in size or greater.
- 184
- 185 (iii) The percentage of required open space will be based upon the total gross site
- 186 acreage.
- 187
- 188 (iv) Usable open space areas may include impervious areas for recreational uses such
- 189 as sports courts, gazebos, plazas/seating areas, so long as impervious areas do not
- 190 comprise more than 25% of the required usable open space area.
- 191
- 192 (v) Where developments contain existing native vegetation, including wetland and
- 193 upland plant communities, the open space requirements shall be met through the
- 194 preservation of such native vegetation areas.
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199 **Table 4-88. Open space requirements.**

Project Type	General Open Space Requirement		Usable Open Space Requirement
	Small Projects	Large Projects	
Residential	30%	40%	15%
Mixed Use & Commercial	20%	30%	10%
Industrial	10%	20%	N/A
Downtown Business District	N/A	N/A	N/A

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**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 \_\_\_\_\_, 2020.

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

By: \_\_\_\_\_  
David A. Lyons, Mayor

**ATTEST:**

By: \_\_\_\_\_  
Thomas A. Smith, Clerk-Commissioner

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APPROVED AS TO FORM AND  
LEGAL SUFFICIENCY:

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

246	Vote:	AYE	NAY
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248	Mayor Lyons	_____	_____
249	Commissioner Smith	_____	_____
250	Commissioner Wilkins	_____	_____
251	Commissioner Akin	_____	_____
252	Commissioner Kelley	_____	_____
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**ORDINANCE  
NUMBER 2020-09**

**AN ORDINANCE OF THE CITY OF LABELLE, FLORIDA;  
AMENDING CHAPTER 11, ARTICLE V. STREET  
VENDING, SECTION 11-124 OF THE CITY OF LABELLE  
CODE OF ORDINANCES; AND CHAPTER 4, ARTICLE V,  
SUPPLEMENTARY REGULATIONS, SECTION 4-83,  
TEMPORARY USES, OF THE CITY OF LABELLE LAND  
DEVELOPMENT CODE; ALLOWING FOR MOBILE FOOD  
VENDING BY TEMPORARY USE PERMIT; 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 recognizes the need for standards for regulating 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, including mobile food vending carts and trailers as part of special events, while ensuring a compatible land use pattern, high-quality development, and protecting the economic well-being of “brick and mortar” restaurants; 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 on May 14, 2020 and the City Commission on June 11, 2020 and July 9, 2020; 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.

47 **Section 2.** Amendment to the City Code. Chapter 11, Article V, Street  
48 Vending, Section 11-124 of the Code of Ordinances of the City of LaBelle; and Chapter 4, Article  
49 V, Supplementary Regulations, Section 4-83, Temporary Uses, of the City of LaBelle Land  
50 Development Code are hereby amended with the following provisions:

51  
52 **THE LABELLE CODE**

53  
54 **CHAPTER 11 – LICENSES AND BUSINESS REGULATIONS**

55  
56 **ARTICLE V. – STREET VENDING**

57  
58 **Sec. 11-124. - Exemptions.**

59  
60 (a) *The provisions of this article do not apply to the following:*

- 61 (1) Goods, wares or merchandise temporarily deposited on the sidewalk in the ordinary  
62 course of delivery, shipment or transfer.
- 63 (2) The placing and maintenance of unattended stands or sales devices for the sale, display or  
64 offering for sale of newspapers, magazines, periodicals and paperbound books.
- 65 (3) **Special events otherwise requiring a authorized by a Temporary Use permit by the city in**  
66 **accordance with Section 4-83 of the Land Development Code, such as a farmer's market**  
67 **or craft fair.**
- 68 (4) The distribution of free samples of goods, wares and merchandise by any individual from  
69 his person.

70 **(5) Any permitted temporary use as described in Appendix B, subsection 4-70.9.**

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

74  
75 **LAND DEVELOPMENT CODE**

76  
77 **CHAPTER 4 – ZONING**

78  
79 **ARTICLE V. – SUPPLEMENTARY DISTRICT REGULATIONS**

80  
81 **Sec. 4-83. – Temporary Uses**

82  
83 **4-83.1. No changes**

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85 **4-83.2. Applicability.** Any person or entity that desires to conduct any temporary use described  
86 in this section, or as determined to require a temporary use permit by the superintendent of public  
87 works or their assigns, shall be required to submit an application for a permit, and obtain the permit  
88 before conducting the use. A permit issued to a corporation, organization, or entity shall suffice  
89 for the persons engaging in the use on the site on behalf of the corporation, organization, or entity.

90 The owner(s) of the property upon which the temporary use is to be conducted shall be bound by  
91 the terms of the permit and shall signify consent to the permit by signing the permit application  
92 before it is filed with the city.

93  
94 (a) Examples of temporary uses regulated by this section may include, but are not limited to,  
95 the following:

- 96  
97 1. Outdoor sales, parking lot sales or tent sales of merchandise, products, services or  
98 other commercial activities.
- 99 2. Event uses, such as fairs, carnivals, circuses, and expositions or fair associations  
100 chartered in accordance with F.S. ch. 616.
- 101 3. Fund raising events conducted offsite by charitable organizations, nonprofit  
102 corporations, or school groups, as well as promotions, sales and other activities by  
103 charitable organizations, nonprofit corporations, or school groups.
- 104 4. Seasonal and holiday related promotions and sales, including Christmas tree sales,  
105 pumpkin sales, fireworks sales, and the like.
- 106 5. Neighborhood and community-wide yard sales and garage sales.
- 107 6. Any other temporary use similar in nature to the ones listed above, as determined by  
108 the superintendent of public works or their assigns.

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

- 114 1. Yard or garage sales conducted on residential parcels; provided that the use does not  
115 exceed two (2) consecutive calendar days in length and no more than three (3) events  
116 or sales per year.
- 117 2. Grand opening sales by resident merchants connected with the grand opening of a  
118 permanent use at the premises, including outside food and beverage vending;  
119 provided such use does not exceed five (5) consecutive calendar days.
- 120 3. Temporary outdoor storage in residential districts, incidental to and exclusively in  
121 association with the construction of a principal structure and only while a valid  
122 building permit is in effect.
- 123 ~~4. Mobile food vending and street vending at a temporary location, as those temporary~~  
124 ~~uses are subject to the provisions of chapter 11, article V of the Code of Ordinances.~~
- 125 5. Such temporary uses which are extensions of the principal permitted use(s) on-site,  
126 and which are to be conducted on the premises but outside the principal structure in  
127 which those uses are permitted to occur; provided such use does not exceed five (5)  
128 consecutive calendar days.
- 129 6. Temporary religious or revival activities conducted on-site, but outside the structures  
130 of the place of worship, such as vacation bible school and other church festivals and  
131 activities conducted no more than once per month.
- 132 7. Sidewalk sales, clearance, or tent sales conducted on-site by a resident merchant but  
133 outside the principle permitted structures for such use.
- 134 8. School events conducted on-site but outside the principal permitted structures for  
135 such use. ***[EDITORIAL NOTE: Section renumbering required]***

- 136 9. Events on city-owned property which are not in conjunction with an alcoholic  
137 beverage permit.
- 138 10. Events conducted by non-profit civic or fraternal organizations occurring no more  
139 than six (6) times per year.
- 140 11. Events that have a duration less than six (6) hours, not occurring more than once a  
141 month, and not in conjunction with an alcoholic beverage permit, such as ribbon  
142 cuttings, car washes, company events or other similar uses, are not required to obtain  
143 a temporary use permit.
- 144 12. Notwithstanding the above, the city commission may waive the requirement to file  
145 a temporary use permit by a majority vote during a regularly scheduled meeting.

146  
147 **4-83.3. No changes**

148  
149 **4-83.4 – No changes**

150  
151 **4-83.5. Time Limits.** All uses must be confined to the dates specified on the temporary use  
152 permit and any restrictions of timeframe contained in this Section. Where provisions in this  
153 section are more restrictive for specific temporary uses, such as mobile food vending  
154 trailers and carts, the most restrictive time limits will apply. A temporary use will not be  
155 permitted for more than thirty (30) contiguous days. A temporary use permit may not be  
156 renewed or reissued to the same applicant or on the same premises for a similar use more  
157 than four (4) times in a calendar year or within forty-five (45) days from the date of  
158 expiration of the previous temporary use permit, unless otherwise specified in the permit.

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160 **4-83.6. No changes**

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162 **4-83.7. Supplementary Standards Specific Uses.**

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

171  
172 (b) Horse shows and exhibitions.

- 173 i. A horse show or exhibition may be permitted at a boarding or commercial stable  
174 for special occasions, including, but not limited to, dressage shows, exhibitions and  
175 contests.
- 176 ii. A temporary use permit shall be required for those horse shows and exhibitions, at  
177 commercial stables, where more than fifteen (15) horses (outside entrants)  
178 participate at any one (1) time.
- 179 iii. The maximum length of time for such use shall not exceed fifteen (15) days.

180  
181 (c) Temporary use of mobile home.

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- i. Rehabilitation or construction of residence following disaster.
    - a. If fire or other emergency as defined in F.S. § 252.34 renders a single-family residence unfit for human habitation, the temporary use of a mobile home, travel trailer or park-trailer located on the single-family lot during rehabilitation of the original residence or construction of a new residence may be permitted subject to the regulations set out in this section.
    - b. The maximum duration of the use is eighteen (18) months or five hundred forty (540) days after the date the President of the United States issues a disaster declaration. If no disaster declaration is issued, then the maximum duration of the use is six (6) months. The superintendent of public works, or their assigns, may extend the permit once for a period not to exceed sixty (60) days in the event of circumstances beyond the owner's control. Application for an extension must be made prior to expiration of the original permit. Additional extensions may be granted only by the city commission approval.
  - ii. Rehabilitation or construction of a damaged business, commercial or industrial uses following disaster.
    - a. Business, commercial or industrial uses, damaged by a major or catastrophic disaster necessary for the public health and safety or that will aid in restoring the community's economic base, may be permitted to use a mobile home or similar type structure to carry out their activities until the damaged structure is rebuilt or replaced according to applicable development or redevelopment regulations.
    - b. The maximum duration of the temporary use is nine (9) months or two hundred seventy (270) days after the date the President of the United States or Governor of the State of Florida issues a disaster declaration. If no disaster declaration is issued, then the maximum duration of the use is six (6) months. The Superintendent of public works, or their assigns, may extend the permit once for a period not to exceed sixty (60) days in the event of circumstances beyond the owner's control. Application for an extension must be made prior to expiration of the original permit. Additional extensions may be granted only by city commission approval.
  - iii. Construction of residence in AG district.
    - a. A temporary mobile home may be permitted to be emplaced on a lot during construction of a conventional single-family dwelling in the agricultural district.
    - b. The mobile home must be removed from the property within ten (10) days of the issuance of the certificate of occupancy, or expiration of the building permit for the conventional dwelling, whichever occurs first.
    - c. Required water and sanitary facilities must be provided.
    - d. The mobile home, travel trailer or park trailer must be removed from the property within ten (10) days after the certificate of occupancy is issued for the new or rehabilitated residence, business, commercial or industrial use or upon expiration of the temporary use permit, whichever occurs first.

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

230  
231 (d) Temporary telephone distribution equipment. Telephone distribution equipment may  
232 be granted a temporary permit during planning and construction of permanent facilities,  
233 provided that:

- 234  
235 i. The equipment is less than six (6) feet in height and three hundred (300) cubic feet  
236 in volume; and  
237 ii. The maximum length of the use shall be six (6) months, but the superintendent of  
238 public works, or their assigns, may extend the permit for a period not to exceed six  
239 (6) additional months in the event of circumstances beyond the control of the  
240 telephone company. Application for an extension shall be made at least fifteen (15)  
241 days prior to expiration of the original permit.

242  
243 (e) Temporary parking lots. Temporary parking lots may be permitted in commercial  
244 and industrial zoning districts, provided that they are in compliance with section 4-1732.

245  
246 (f) Mobile food vending trailers and carts. Mobile food vending trailers and carts may  
247 be permitted to conduct business as part of a special event subject to obtaining a Temporary  
248 Use Permit in accordance with this section.

249 i. The duration of mobile food vending from trailer(s) or cart(s) is limited to six  
250 (6) hours per day.

251 ii. For multi-day events, the mobile food vending from trailer(s) or cart(s) is  
252 limited to three (3) contiguous days.

253 iii. A temporary use permit may not be renewed or reissued to the same applicant  
254 or on the same premises for a similar use more than four (4) times in a calendar  
255 year, or within forty-five (45) days from the date of expiration of the previous  
256 temporary use permit.

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

262  
263 **Section 4. Severability.** In the event that any portion of this Ordinance is for any  
264 reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall  
265 be deemed a separate, distinct and independent provision, and such holding shall not affect the  
266 validity of the remaining portions of this Ordinance.

267  
268 **Section 5. Conflicts.** The provisions of this article shall supersede any provisions  
269 of existing ordinances in conflict herewith to the extent of said conflict.

270



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

273  
274 **PASSED AND DULY ADOPTED** this \_\_\_\_ day of \_\_\_\_\_, 2020.

275  
276  
277 CITY COMMISSION OF THE CITY OF LABELLE,  
278 FLORIDA

279  
280  
281 By: \_\_\_\_\_  
282 David A. Lyons, Mayor

283  
284  
285 ATTEST:

286  
287  
288 By: \_\_\_\_\_  
289 Thomas A. Smith, Clerk-Commissioner

290  
291  
292  
293 APPROVED AS TO FORM AND  
294 LEGAL SUFFICIENCY:

295  
296  
297 By: \_\_\_\_\_  
298 Derek Rooney, City Attorney

299  
300 Vote:                      AYE                      NAY  
301  
302 Mayor Lyons                      \_\_\_\_\_                      \_\_\_\_\_  
303 Commissioner Smith                      \_\_\_\_\_                      \_\_\_\_\_  
304 Commissioner Wilkins                      \_\_\_\_\_                      \_\_\_\_\_  
305 Commissioner Akin                      \_\_\_\_\_                      \_\_\_\_\_  
306 Commissioner Kelley                      \_\_\_\_\_                      \_\_\_\_\_  
307