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**ORDINANCE
NUMBER 2020-09**

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**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.**

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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 regulating temporary uses to uphold the City’s vision for a well-planned and attractively built environment; and

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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

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WHEREAS, the City of LaBelle desires to maintain minimum regulations to ensure the protection of public health, safety and welfare; and

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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

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

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

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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**

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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**

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81 **Sec. 4-83. – Temporary Uses**

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

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109
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 4.5. 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 ~~5.6.~~ 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 ~~6.7.~~ Sidewalk sales, clearance, or tent sales conducted on-site by a resident merchant but
133 outside the principle permitted structures for such use.
- 134 ~~7.8.~~ School events conducted on-site but outside the principal permitted structures for
135 such use.

- 136 ~~8.9.~~ Events on city-owned property which are not in conjunction with an alcoholic
137 beverage permit.
138 ~~9.10.~~ Events conducted by non-profit civic or fraternal organizations occurring no more
139 than six (6) times per year.
140 ~~10.11.~~ 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 ~~11.12.~~ 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.

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

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149 **4-83.4 – *No changes***

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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.

159
160 **4-83.6. *No changes***

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

163
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.

- 182 i. Rehabilitation or construction of residence following disaster.
183 a. If fire or other emergency as defined in F.S. § 252.34 renders a single-family
184 residence unfit for human habitation, the temporary use of a mobile home,
185 travel trailer or park-trailer located on the single-family lot during rehabilitation
186 of the original residence or construction of a new residence may be permitted
187 subject to the regulations set out in this section.
188 b. The maximum duration of the use is eighteen (18) months or five hundred forty
189 (540) days after the date the President of the United States issues a disaster
190 declaration. If no disaster declaration is issued, then the maximum duration of
191 the use is six (6) months. The superintendent of public works, or their assigns,
192 may extend the permit once for a period not to exceed sixty (60) days in the
193 event of circumstances beyond the owner's control. Application for an
194 extension must be made prior to expiration of the original permit. Additional
195 extensions may be granted only by the city commission approval.
196
197 ii. Rehabilitation or construction of a damaged business, commercial or industrial uses
198 following disaster.
199
200 a. Business, commercial or industrial uses, damaged by a major or catastrophic
201 disaster necessary for the public health and safety or that will aid in restoring
202 the community's economic base, may be permitted to use a mobile home or
203 similar type structure to carry out their activities until the damaged structure is
204 rebuilt or replaced according to applicable development or redevelopment
205 regulations.
206 b. The maximum duration of the temporary use is nine (9) months or two hundred
207 seventy (270) days after the date the President of the United States or Governor
208 of the State of Florida issues a disaster declaration. If no disaster declaration is
209 issued, then the maximum duration of the use is six (6) months. The
210 Superintendent of public works, or their assigns, may extend the permit once
211 for a period not to exceed sixty (60) days in the event of circumstances beyond
212 the owner's control. Application for an extension must be made prior to
213 expiration of the original permit. Additional extensions may be granted only by
214 city commission approval.
215
216 iii. Construction of residence in AG district.
217 a. A temporary mobile home may be permitted to be emplaced on a lot during
218 construction of a conventional single-family dwelling in the agricultural
219 district.
220 b. The mobile home must be removed from the property within ten (10) days of
221 the issuance of the certificate of occupancy, or expiration of the building permit
222 for the conventional dwelling, whichever occurs first.
223 c. Required water and sanitary facilities must be provided.
224 d. The mobile home, travel trailer or park trailer must be removed from the
225 property within ten (10) days after the certificate of occupancy is issued for the
226 new or rehabilitated residence, business, commercial or industrial use or upon
227 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.

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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.


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

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274 **PASSED AND DULY ADOPTED** this 9th day of July, 2020.

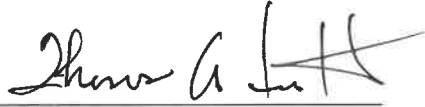
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CITY COMMISSION OF THE CITY OF LABELLE,
FLORIDA

By: 

David A. Lyons, Mayor

285 ATTEST:

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

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APPROVED AS TO FORM AND
LEGAL SUFFICIENCY:

By: 

Derek Rooney, City Attorney

300	Vote:	AYE	NAY
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302	Mayor Lyons	<input checked="" type="checkbox"/>	_____
303	Commissioner Smith	<input checked="" type="checkbox"/>	_____
304	Commissioner Wilkins	<input checked="" type="checkbox"/>	_____
305	Commissioner Akin	<input checked="" type="checkbox"/>	_____
306	Commissioner Kelley	<input checked="" type="checkbox"/>	_____
307			