

**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, 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

47 4, Article IV, Zoning, of the City of LaBelle is hereby amended as set forth in Exhibit A attached
48 hereto.
49

50 **Section 3. Codification.** This ordinance shall be incorporated into the City of
51 LaBelle Land Development Code. The sections of this Ordinance can be renumbered or re-lettered
52 to the appropriate word or phrase to accomplish codification. Omissions, grammatical, and
53 typographical errors, as well as clarifications of ambiguous wording that do not affect the intent
54 of this Ordinance, may be authorized by the Mayor without need for a public hearing.
55

56 **Section 4. Severability.** In the event that any portion of this Ordinance is for any
57 reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall
58 be deemed a separate, distinct and independent provision, and such holding shall not affect the
59 validity of the remaining portions of this Ordinance.
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61 **Section 5. Conflicts.** The provisions of this article shall supersede any provisions
62 of existing ordinances in conflict herewith to the extent of said conflict.
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64 **Section 6. Effective Date.** This Ordinance shall take effect immediately upon its
65 adoption by the City Commission.
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67 **PASSED AND DULY ADOPTED** this ____ day of _____, 2025.
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70 CITY COMMISSION OF THE CITY OF LABELLE,
71 FLORIDA
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74 By: _____
75 Julie C. Wilkins, Mayor
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77

78 ATTEST:
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81 By: _____
82 Tijauna Warner, Deputy Clerk
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86 APPROVED AS TO FORM AND
87 LEGAL SUFFICIENCY:
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90 By: _____
91 Derek Rooney, City Attorney
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93	Vote:	AYE	NAY
94			
95	Mayor Wilkins	_____	_____
96	Commissioner Vargas	_____	_____
97	Commissioner Ratica	_____	_____
98	Commissioner Holland	_____	_____
99	Commissioner Spratt	_____	_____
100			

101 EXHIBIT A

102 THE LABELLE CODE

103
104 CHAPTER 11 - LICENSES AND BUSINESS REGULATIONS

105 ARTICLE V. STREET VENDING

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

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

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

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

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

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

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

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

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

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

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

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

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

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

136 ~~(3) Proof of special exception approval shall be carried with the vendor when he/she is~~
137 ~~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).

Conditional Accessory Use Authorization or (CAUA) means an administratively approved location for a mobile food vendor under this Article.

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. Conditional Accessory Use Authorization required.

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

- i. A CAUA issued under this section shall authorize the applicant to conduct operations at the vendor site designated in the CAUA, and only at this site.
- ii. Any vendor 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.
- iii. Nothing in this ordinance shall be construed as requiring a separate municipal license for a mobile food dispensing vehicle licensed by the Division of Hotels and Restaurants pursuant to §509.102, Florida Statutes.

(b) CAUA 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, 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, trash receptable placement, 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) Operational Plan including days and hours of operation, method of power (generator only; no City utilities), and plan for daily removal of the vehicle and all equipment and;
- 8) Payment of application fees.

If a CAUA holder is found to operating inconsistent with the standards of this Article the City may enforce compliance through Chapter 162, Florida Statutes, or other lawful code enforcement procedures.

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 non-residential portions of a PUD zoning district.
 - 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.

- (a) The Planning and Zoning Official shall not issue an CAUA for mobile food vending unless the application demonstrates in addition to the general and locational standards that 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.

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- 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.