

EXHIBIT 1

ORDINANCE NO. 2023-

1 **AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE**
2 **CITY OF HALLANDALE BEACH, FLORIDA, AMENDING CHAPTER 32,**
3 **ZONING AND LAND DEVELOPMENT CODE; AMENDING ARTICLE IV,**
4 **DEVELOPMENT STANDARDS; DIVISION 20, TEMPORARY USES,**
5 **REMOVING CARGO CONTAINERS AS A PRINCIPAL TEMPORARY**
6 **USE STRUCTURE; AMENDING REFERENCES TO THE FASHION ART**
7 **DESIGN SUBDISTRICT WITHIN DIVISION 20 TO THE DISTRICT 8**
8 **SUBDISTRICT; PROVIDING FOR CONFLICT; PROVIDING FOR**
9 **CODIFICATION; PROVIDING FOR SEVERABILITY; AND PROVIDING**
10 **AN EFFECTIVE DATE.**

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14 **WHEREAS,** the Mayor and City Commission have determined that the Central Regional
15 Activity Center/ Fashion/Art/Design subdistrict shall be known as the District 8 subdistrict; and

16 **WHEREAS,** the Zoning and Land Development Code, Division 20, Temporary Uses,
17 presently allows principal use temporary cargo containers for commercial purpose subject to
18 specific criteria; and

19 **WHEREAS,** it is more efficient to provide for temporary cargo containers as a food truck
20 event temporary use; and,

21 **WHEREAS,** the Mayor and City Commission have determined that the proposed
22 amendments are in the best interest of the City of Hallandale Beach and its residents.

23 **NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND THE CITY**
24 **COMMISSION OF THE CITY OF HALLANDALE BEACH, FLORIDA:**

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26 **SECTION 1.** The foregoing "Whereas" clauses are hereby incorporated herein.

27
28 **SECTION 2.** Chapter 32, Zoning and Land Development Code, Article IV, Division 20. –
29 Temporary Uses, is amended as follows:

30 * * *

31 **Sec. 32-702. Event permit required.**

- 32 (a) No person shall operate a temporary use within the city without first obtaining a temporary
33 use permit. A temporary use shall include, but not be limited to:

- (1) Events held indoors and promotional events that change the city approved use of the facility.
- (2) Special events that involve street closures or include event components requiring the coordination of a number of city departments or other agencies, or involve activities such as the use of alcohol, on-site commercial cooking, food sales or large-scale temporary structures.
- (3) Outdoor sales of a temporary nature including, but not limited to:
- a. Sidewalk sale, except as provided in section 32-168, as amended,
 - b. Seasonal sale in B-G, business general district or a less restrictive district,
 - c. Grand opening sale,
 - d. Going out of business sale,
 - e. Fundraising sale and similar gatherings,
 - f. Any other off-premises sale or exhibition.
- (4) Outdoor special events including, but not limited to:
- a. Concerts,
 - b. Festivals,
 - c. Parades
 - d. Carnivals,
 - e. Athletic events, walks or races,
 - f. Flea markets or farmer's markets,
 - g. Food truck events,
 - h. Outdoor community events, such as, a block party, and
 - i. Other similar uses of a temporary nature, not specifically permitted by this chapter, as determined by the city manager.

~~(5) Cargo containers used as a principal use temporary structure for commercial purposes in the planned local activity center (PLAC), commercial recreational active (CR-A) or central regional activity center fashion art and design (FADD) and greyhound track sub-districts, subject to approval by the city commission pursuant to subsection 32-707(d). Temporary cargo containers approved under this subsection are not subject to the dimensional requirements of the subdistrict provided, however, that, that stacking shall be limited to two containers.~~

- (b) A recurring event is a temporary use generally requiring a temporary use permit, and occurs a minimum of four times a year and meets the same conditions outlined in section 32-703. A recurring event, pursuant to subsection (a) above, is permitted on properties owned by the city or the city community redevelopment agency, those zoned recreation and open space (OS), community facilities (CF), planned local activity center (PLAC), commercial recreational active (CR-A) or central regional activity center/ ~~fashion art and design~~ District 8 and greyhound track sub-districts, which shall be eligible for an annual permit. Such permit may be issued on a fiscal year basis by the city manager provided the duration of the reoccurring event is compliant with subsection 32-708(c).

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- (c) Events, pursuant to subsection (a) above, lasting more than 30 days on properties zoned planned local activity center (PLAC), commercial recreational active (CR-A) or central regional activity center/~~fashion art and design District 8~~ and greyhound track sub-districts, shall be eligible for an annual permit subject to city commission approval pursuant to subsection 32-707(c).

* * *

Sec. 32-705. Conditions for permit approval.

- (a) A temporary use permit shall be issued upon the city commission or city manager's determination as may be applicable that:

- (1) The temporary use application is complete in all material respects, and all information contained therein is accurate.
- (2) All conditions set forth in the conditions imposed by the city, if any, have been fully met and all laws complied with.
- (3) The temporary use will not interfere with or unduly burden the city's provisions of municipal services to the community, including but not limited to police, fire, emergency medical services, water and sanitary sewer service and solid waste removal.
- (4) The areas utilized for any temporary use will be cleaned following any temporary use, and in all respects restored to a clean condition within 24 hours after the close of the event.
- (5) Surrounding and nearby properties are suitably protected from adverse conditions that may reasonably be expected to result from the proposed use.
- (6) The proposed use is not likely to create hazardous vehicular or pedestrian traffic conditions, or result in traffic in excess of the capacity of streets serving it.
- (7) Adequate off-street parking is available.
- (8) All other applicable laws and regulations of the city and of any other regulatory body or agency have been complied with.
- (9) The health, safety and welfare of the public are not threatened in any way by the conduct of the temporary use.

- (b) The city manager reserves the discretion to deny any application for a temporary use permit.

- (c) The areas authorized by the city commission for an annual temporary use permit, ~~including the use of temporary cargo containers~~, shall be restored to its original condition or sodded if the area was vacant. All above-ground improvements, if any, installed in connection with annual permits shall be removed within 30 days of expiration or revocation of the permit.

* * *

Sec. 32-707. Approval of permit.

- (a) All permitted temporary uses require the city manager's approval. A temporary use of significant scale, such as a concert, parade or carnival, may additionally require notice to the city commission.
- (b) Concerts ending after midnight shall require city commission approval.
- (c) Events lasting more than 30 days shall require city commission approval.
- ~~(d) The use of temporary cargo containers pursuant to subsection 32-702(a)(5) shall require city commission approval.~~
- ~~(e)~~(d) The city may impose conditions to mitigate any negative impacts and to protect the public health and welfare.

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Sec. 32-708. Duration and frequency of permit.

- (a) Each single-family residence is limited to four temporary use permits each fiscal year.
- (b) Each multi-family, commercial, or civic establishment is limited to six temporary use permits each fiscal year, except for recurring events specified in section 32-702(b), sidewalk sales specified in section 32-708(d), and properties zoned CF, OS, PLAC, CR-A, and the Fashion/Art/Design District 8 subdistrict.
- (c) Each temporary use permit shall be issued for a specific period of time not to exceed five days or, in the case of a seasonal sale such as that of Christmas trees and pumpkins, 30 days. A temporary use permit may be approved by the city manager for a period greater than five days, but not in excess of 30 days, upon finding that such increased duration will not adversely impact the city and that the conditions of section 32-705 have been met. Permits for events in excess of 30 days shall be issued as authorized by the city commission.
- (d) Sidewalk sales shall be permitted six times annually, and shall not last more than 72 hours.
- (e) The violation of any of the conditions of a temporary use permit shall constitute cause for immediate revocation of the permit. It shall be unlawful for any person to continue a temporary use after the permit has expired or been revoked. The duration and frequency of a temporary use permit and annual permits may be altered as determined by the city manager, or in the case of ~~cargo containers~~ or events in excess of 30 days, the duration shall be determined by the city commission.
- ~~(f) The permit for the use of cargo containers used as large-scale temporary structures for commercial purposes pursuant to subsection 32-702(b) authorized by the city commission may be renewed on an annual basis at the city manager's discretion utilizing the criteria in section 32-705 for a period not to exceed a total of five years from the date of city commission's approval. Approval of an annual permit for cargo containers does not constitute approval of a permanent structure. Unless renewed, upon the expiration of the permit, the containers and associated improvements shall be removed or made to comply with the applicable zoning regulations of the subdistrict.~~
- (g) Events pursuant to subsection 32-702(c), with an annual permit authorized by the city commission, may be renewed on an annual basis at the city manager's discretion utilizing the criteria in section 32-705 for a period not to exceed a total of three years from the date of city commission's approval.

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SECTION 3. Conflict. All ordinances or portions of the Code of Ordinances of the City of Hallandale Beach in conflict with the provisions of this ordinance shall be repealed to the extent of such conflict.

SECTION 4. Codification. It is the intention of the Mayor and City Commission that the provisions of this ordinance be incorporated into the Code of Ordinances; to affect such intention the words "ordinance" or "section" may be changed to other appropriate words.

SECTION 5. Severability. Should any provision of this ordinance be declared by a court of competent jurisdiction to be invalid, the same shall not affect the validity of the ordinance as a whole, or any part thereof, other than the part declared to be invalid.

SECTION 6. Effective Date. This Ordinance shall take effect immediately upon adoption.

PASSED AND ADOPTED ON 1ST reading on _____, 20__.

PASSED AND ADOPTED ON 2ND reading on _____, 20__.

JOY COOPER
MAYOR

SPONSORED BY: CITY ADMINISTRATION

ATTEST:

JENORGEN M. GUILLEN, CMC
CITY CLERK

189 APPROVED AS TO LEGAL SUFFICIENCY
190 AND FORM

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195 _____
196 JENNIFER MERINO
197 CITY ATTORNEY

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