

1 EXHIBIT 1

2
3 ORDINANCE NO. 2017-

4
5 AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY
6 OF HALLANDALE BEACH, FLORIDA, AMENDING CHAPTER 32, ZONING
7 AND LAND DEVELOPMENT CODE, DIVISION 20, "TEMPORARY USES",
8 INCREASING THE ANNUAL FREQUENCY WHICH THE CITY MAY GRANT
9 TEMPORARY USE PERMITS FOR MULTIFAMILY, COMMERCIAL, AND
10 CIVIC ESTABLISHMENTS FROM FOUR TIMES ANNUALLY TO SIX TIMES
11 ANNUALLY, AND INCREASING THE FREQUENCY WHICH THE CITY MAY
12 GRANT SIDEWALK SALES PERMITS FROM TWICE ANNUALLY TO SIX
13 TIMES ANNUALLY; PROVIDING FOR CODIFICATION; PROVIDING FOR
14 CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN
15 EFFECTIVE DATE.

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17 **WHEREAS**, at City Commission Budget Workshop held on August 24, 2016, the City
18 Commission requested that administration amend the Zoning and Land Development Code to
19 increase the number of occurrences allowed by special event permit (temporary uses) at any
20 given location per year; and

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22 **WHEREAS**, currently, the definitions as well as the provisions of Division 20, Temporary
23 Uses, need to be revised to allow additional temporary use permits to be issued in residential and
24 non-residential areas per fiscal year; and

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26 **WHEREAS**, the City Administration has reviewed the current policies regarding
27 Temporary Uses and recommends Chapter 32, Zoning and Land Development Code of the City
28 of Hallandale Beach, Division 20, Temporary Uses should be amended to allow additional
29 temporary use permits to be issued in residential and non-residential areas per fiscal year, while
30 continuing to keep allowable temporary use permits in single family residences at the same
31 frequency; and

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33 **WHEREAS**, pursuant to Section 2-231 of the City's Code of Ordinances, on September
34 28, 2016, the Planning and Zoning Board reviewed this ordinance and made an advisory
35 recommendation to the Mayor and City Commission to approve and adopt the amendments to
36 Division 20, Temporary Uses; and

WHEREAS, first reading took place on December 21st, 2016, and the Commission moved to change the sidewalk sale frequency from two times annually to six times annually; and

WHEREAS, the Mayor and City Commission have determined it is in the best interest of the City that Chapter 32, Zoning and Land Development Code of the City of Hallandale Beach, Division 20, *Temporary Uses* should be amended to allow additional temporary use permits to be issued in residential and non-residential areas per fiscal year.

NOW, THEREFORE BE IT ORDAINED BY THE MAYOR AND CITY COMMISSION OF
HALLANDALE BEACH, FLORIDA:

SECTION 1. Chapter 32, Zoning and Land Development Code of the City of Hallandale Beach shall be amended Division 20, Temporary Uses, as follows:

DIVISION 20. TEMPORARY USES

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

- (a) Each single family residence is limited to four (4) temporary use permits each fiscal year, per establishment shall be permitted within the fiscal year at the same location, except for events specified in Sec. 32-702(b), sidewalk sales and properties zoned CF, PLAC, CR-A and Fashion Art & Design Overlay Districts.
- (b) Each temporary use permit shall be issued for a specific period of time not to exceed five (5) days or, in the case of a seasonal sale such as that of Christmas trees and pumpkins, thirty (30) days. A temporary use permit may be approved by the city manager for a period greater than five (5) days, but not in excess of thirty (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. Each multi-family, commercial, or civic establishment is limited to six (6) temporary use permits each fiscal year, except for recurring events specified in Sec. 32-702(b), sidewalk sales specified in Sec. 32-708(d), and properties zoned CF, OS, PLAC, CR-A, and the Fashion Art & Design Subdistrict.
- (c) Sidewalk sales shall not be permitted within six months of each occurrence, and shall not last more than 72 hours. Each temporary use permit shall be issued for a specific period of time not to exceed five (5) days or, in the case of a seasonal sale such as that of Christmas trees and pumpkins, thirty (30) days. A temporary use permit may be approved by the city manager for a period greater than five (5) days, but not in excess of thirty (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.
- (d) Sidewalk sales shall be permitted six times annually, and shall not last more than seventy

two (72) hours.

- (e) The violation of any of the conditions of a temporary use permit shall be subject to 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.

SECTION 2. 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 3. 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 4. Codification. It is the intention of the Mayor and the City Commission that the provisions of this ordinance be incorporated into the Code of Ordinances; to effect such intention the words "ordinance" or "section" may be changed to other appropriate words.

SECTION 5. Effective Date. This Ordinance shall take effect immediately upon adoption on second reading.

PASSED on First Reading on December 21, 2016.

PASSED AND ADOPTED on Second Reading on _____ 2017.

JOY F. COOPER
MAYOR

SPONSORED BY: CITY ADMINISTRATION

ATTEST:

MARIO BATAILLE, CMC
CITY CLERK

APPROVED AS TO LEGAL SUFFICIENCY FROM

ANDRE MCKENNEY
INTERIM CITY ATTORNEY