

1 EXHIBIT 1

2 ORDINANCE NO. 2025-

3
4 AN ORDINANCE OF THE MAYOR AND CITY
5 COMMISSION OF THE CITY OF HALLANDAL BEACH,
6 FLORIDA, AMENDING CHAPTER 5 ALCOHOLIC
7 BEVERAGES; SECTION 5-6. – DISTANCES
8 BETWEEN BUSINESSES AND FROM SCHOOLS,
9 PLACES OF WORSHIP AND PUBLIC PARKS TO
10 DELEGATE THE AUTHORITY TO ISSUE DISTANCE
11 SEPARATION WAIVERS TO THE PLANNING AND
12 ZONING BOARD; PROVIDING FOR CONFLICT;
13 PROVIDING FOR SEVERABILITY; AND
14 PROVIDING FOR AN EFFECTIVE DATE.
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17 **WHEREAS**, Section 5-6 (h) of the Code of Ordinances (the “Code”) of the City of
18 Hallandale Beach (the “City”) provides for a procedure for the granting of a waiver from
19 the distance requirements for alcoholic beverage establishments between businesses
20 and from schools, churches and public parks; and
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22 **WHEREAS**, pursuant to the Code, all applications for alcoholic beverage waivers
23 that do not qualify for administrative review must be presented to the City Commission for
24 a public hearing; and

25 **WHEREAS**, the Department of Sustainable Development is proposing
26 amendments to Section 5-6 of the Code to revise the Alcoholic Beverage waiver process
27 and delegate authority to the City’s Planning and Zoning Board to review and grant such
28 waivers; and

29 **WHEREAS**, the Mayor and City Commission have conducted duly noticed
30 public hearings on the proposed Amendment as required by law; and

31 **WHEREAS**, the Mayor and City Commission have determined that the
32 proposed amendments to the Code are in the best interest of the City and its
33 residents.

34 **NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF**
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**THE CITY
OF HALLANDALE BEACH, FLORIDA:**

SECTION 1. Recitals. The foregoing “Whereas” clauses are confirmed as true and incorporated herein.

SECTION 2. Amendment to Code. Chapter 5 “Alcoholic Beverages”, Section 5-6. “Distances between businesses and from schools, places of worship and public parks”, is hereby amended to read as follows:

New text is underlined and deleted text is ~~stricken~~.

* * *

(h) **Waivers.**

- (1) The ~~city commission~~ planning and zoning board may grant a waiver to any of the provisions contained in this section, subject to the following limitations:
 - a. The applicant shall file an application and pay an application fee. Such fee is on file in the ~~development services department~~ City's Fee Booklet. The applicant shall furnish a certified survey from a registered land surveyor indicating the distance between the proposed premises and any other specified use.
 - b. The ~~city commission~~ planning and zoning board must hold a public hearing with prior written notice by first class and certified mail being given to the affected parties. With respect to a waiver from the establishment separation requirement, the notice shall be to any such establishment within the specified distance. With respect to the separation requirements from schools, notice shall be sent to the school, as appropriate. With respect to public schools, notice shall be sent to the principal and to the school board of the county.
 - c. All waivers granted are subject to revocation by the city commission if adverse effects on the affected parties result.
 - d. The applicant is required to demonstrate that the granting of the waiver will not have any substantial or material adverse effect on the parties sought to be protected by the particular provision sought to be varied, and that the spirit and intent of this section will not be violated.
- (2) An administrative waiver from the separation requirements for any establishment for consumption off-premises within the specified distance and a place of worship; or, between an establishment not considered a restaurant that serves alcoholic beverages on-premises and a place of worship, school or public park may be granted by the director of ~~development services~~ the Department of Sustainable Development upon the following:

- 76 a. Submittal of an application and payment of filing fee. The applicant shall
77 include information specified in subsections 5-6(h)(1)(a) and (d) of this
78 section.
- 79 b. The filing fee for administrative waiver requests shall be the as specified
80 in the city's fee schedule for alcoholic distance waiver.
- 81 c. The city shall notify the affected place of worship, school or public park
82 by mail. Such notice shall be sent as a courtesy by first class and
83 certified mail stating the nature of the administrative waiver being
84 considered; the place and time the application may be reviewed; and,
85 notification that any protest by the affected party of the granting of the
86 waiver will be required in writing within 20 working days of the date of the
87 notice.
- 88 d. If an affected party submits a written protest, the applicant may withdraw
89 the application or elect to submit the application to the ~~city commission~~
90 planning and zoning board at a public hearing.
- 91 (3) The granting of the authority to the ~~city commission~~ planning and zoning
92 board to grant waivers to this section is expressly declared to be
93 nonseverable from the requirements and limitations imposed on the exercise
94 of that authority, and the invalidity of any of those provisions shall result in the
95 invalidity of that grant of authority.

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99 **SECTION 3. Conflict.** All ordinances or portions of the Code of
100 Ordinances of the

101 City of Hallandale Beach in conflict with the provisions of this ordinance shall be
102 repealed to
103 the extent of such conflict.

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105 **SECTION 4. Severability.** Should any provision of this ordinance be
106 declared by a

107 court of competent jurisdiction to be invalid, the same shall not affect the validity
108 of the
109 ordinance as a whole, or any part thereof, other than the part declared to be invalid.

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111 **SECTION 5. Effective Date.** This Ordinance shall take effect immediately
112 upon its
113 passage and adoption.

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PASSED on 1st Reading on _____, 20__.

ADOPTED on 2nd reading on _____, 20__.

JOY F. COOPER
MAYOR

SPONSORED BY: CITY ADMINISTRATION

ATTEST:

JENORGEN GUILLEN, CMC
CITY CLERK

APPROVED AS TO LEGAL SUFFICIENCY
FORM

JENNIFER MERINO
CITY ATTORNEY