

ORDINANCE NO. C-24-39

AN ORDINANCE OF THE CITY OF FORT LAUDERDALE, FLORIDA, AMENDING THE CITY OF FORT LAUDERDALE, FLORIDA'S UNIFIED LAND DEVELOPMENT REGULATIONS SECTION 47-18.15. ENTITLED "HOLIDAY-RELATED MERCHANDISE, OUTDOOR SALES" TO ADD NEW YEAR'S DAY TO THE LIST OF PERMISSIBLE HOLIDAYS FOR OUTDOOR SALES OF HOLIDAY MERCHANDISE; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS AND REPEAL; PROVIDING FOR CORRECTION OF SCRIVENER'S ERRORS; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City Commission of the City of Fort Lauderdale, Florida, desires to amend Section 47-18.15. of the City of Fort Lauderdale, Florida's Unified Land Development Regulations ("ULDR") entitled "Holiday-related merchandise, outdoor sales" to add New Year's Day to the list of permissible holidays for outdoor sales of holiday merchandise; and

WHEREAS, the Planning and Zoning Board, acting as the local planning agency, at its meeting of June 19, 2024 (PZ Case No. UDP-T24006), reviewed the proposed text amendments for consistency with the City of Fort Lauderdale Comprehensive Plan and recommended the City Commission adopt the amendments to the ULDR; and

WHEREAS, notice was provided to the public that this ordinance would be considered at the City Commission meeting to be held on Tuesday, September 3, 2024, and Tuesday, September 17, 2024, at 6:00 o'clock P.M., at the Broward Center for the Performing Arts – Mary N. Porter Riverview Ballroom, 201 S.W. 5th Avenue, Fort Lauderdale, Florida;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA:

SECTION 1. Article III – Development Requirements, Section 47-18.15. of the City of Fort Lauderdale, Florida Uniform Land Development Regulations ("ULDR") is hereby amended to read as follows:

Sec. 47-18.15. Holiday-related merchandise, outdoor sales.

- A. Outdoor sales of holiday-related merchandise, specified in this section, are permitted, subject to the following restrictions:
 - 1. A licensee must, at the time the license is issued, pay to the city a clean-up deposit fee of two hundred fifty dollars (\$250.00). The deposit will be returned if the licensee restores

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the licensed location to its original pre-sales condition; otherwise, the deposit will be retained by the city, in whole or in part, and used to clean the location.

2. A license for the sale of outdoor merchandise will only be issued for items sold in connection with the following holidays:
 - a. Fourth of July;
 - b. Halloween (October 31);
 - c. Christmas (December 25); and
 - d. New Year's Day (January 1)
 3. Any license issued for sales permitted under this section shall only be valid for a temporary period of time, as prescribed below:
 - a. A maximum of ten (10) days preceding the Fourth of July;
 - b. A maximum of thirty (30) days preceding Halloween; ~~and~~
 - c. A maximum of thirty (30) days preceding Christmas; and
 - d. A maximum of thirty (30) days preceding New Year's Day
- B. Locations for sales of merchandise permitted to be sold outdoors are subject to the following restrictions:
1. Pyrotechnical items may only be sold at locations lying within a business zoned district, except the central beach districts. Such sales will be permitted to be made from areas located a minimum of fifty (50) feet from:
 - a. Any fuel storage facility of any kind; and
 - b. Any area required to provide parking in connection with a restaurant or lounge.
- C. Halloween and Christmas items may only be sold at locations lying within any business zoned district; locations within the Downtown RAC and central beach districts used for nonresidential uses, and from any property owned by a nonprofit organization or institution.

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- D. A maximum of one (1) four-foot by eight-foot sign for each one hundred (100) feet of street frontage, not to exceed two (2) signs for any one (1) location, may be displayed in connection with such sales.
- E. Pyrotechnical items may be sold if each item and each sales location has been approved by the fire marshal.

SECTION 2. CODIFICATION AND SCRIVENER'S ERRORS. The City intends that this Ordinance will be made part of the Code of Ordinance; that sections of this Ordinance can be re-numbered or re-lettered to accomplish codification and, regardless of whether this Ordinance is ever codified, the Ordinance can be re-numbered or re-lettered, and typographical errors that do not affect the intent can be corrected with the authorization of the City Manager, or his designee, without the need for a public hearing.

SECTION 3. That if any clause, section, or other part of this Ordinance shall be held invalid or unconstitutional by any court of competent jurisdiction, the remainder of this Ordinance shall not be affected thereby, but shall remain in full force and effect.

SECTION 4. That all ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

SECTION 5. That this Ordinance shall be in full force and effect upon final passage.

PASSED FIRST READING this 3rd day of September, 2024.
 PASSED SECOND READING this ___ day of _____, 2024.

Mayor
 DEAN J. TRANTALIS

ATTEST:

City Clerk
 DAVID R. SOLOMAN

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