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ORDINANCE NO. 2011 - 02

**AN ORDINANCE OF THE CITY OF HALLANDALE BEACH,
FLORIDA, AMENDING CHAPTER 32 OF THE CODE OF
ORDINANCES TO UPDATE THE ADULT ENTERTAINMENT
BUSINESS REGULATIONS; PROVIDING FOR CONFLICTS;
PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN
EFFECTIVE DATE.**

WHEREAS, the City Commission desires to update the City's existing adult entertainment business regulations; and

WHEREAS, the City Commission desires to modify the City's adult entertainment business requirements as permitted by Section 847.0134, Florida Statutes; and

WHEREAS, the City Commission relies upon the evidence and testimony presented before the City Commission and on the findings incorporated in the following studies to support the modifications made by this Ordinance:

- (1) Secondary Effects of Sexually Oriented Businesses, Report to the City Attorney of Hallandale Beach, Florida, by Richard McCleary (2010);
- (2) Do "Off Site" Adult Businesses Have Secondary Effects? Legal Doctrine, Social Theory, and Empirical Evidence by Richard McCleary and Alan C. Weinstein (2009);
- (3) Rural Hot Spots: The Case of Adult Businesses by Richard McCleary (2008);
- (4) "Survey of Texas Appraisers – Secondary Effects of Sexually-Oriented Businesses on Market Values" study by Connie B. Cooper, FAICP and Eric Damian Kelly, FAICP in association with David C. Keuhl, Ph.D. and Shawn Wilson, MAI (2008)(Texas);
- (5) "Crime-Related Secondary Effects – Secondary Effects of "Off-Site" Sexually Oriented Businesses" study by Richard McCleary, Ph.D. in association with Alexi Alexander, J.D., Larry Bush, M.A., and Mark Vasquez, B.A. (2008) (Texas);
- (6) Executive Summary, Report to the Palm Beach County Attorney, by V. Jenness, R. McCleary, J.W. Meeker, County Attorney, Palm Beach County, FL (2007);
- (7) "Crime-Related Secondary Effects of Sexually-Oriented Businesses: Report To The City Attorney" by Richard McCleary, Ph.D. (2007)(Los Angeles, California);
- (8) "Survey of Findings and Recommendations of Sexually Oriented Businesses" by Eric Damian Kelly, PhD, FAICP and Connie B. Cooper, FAICP (August 2002) (Toledo, Ohio);

- 44 (9) "A Report on the Secondary Impacts of Adult Use Businesses in the City of Denver," by
45 the Zoning Administration, Office of Planning and Development, Department of Public
46 Safety, Department of Excise and Licenses, Assessor's Office, and in consultation with
47 the City's Attorney's Office, Denver, Colorado (January 1998);
48
49 (10) "An Analysis of the Effects of SOBs on the Surrounding Neighborhoods in Dallas,
50 Texas" by Peter Malin, MAI for Office of the City Attorney (April 1997);
51
52 (11) "Sexually Oriented Business Ordinance Revision Committee Legislative Report,
53 Houston, Texas (January 7, 1997);
54
55 (12) "Adult Use Study," by the Newport News Department of Planning and Development,
56 Newport News, Virginia (March 1996);
57
58 (13) "Report to American Center for Law and Justice on the Secondary Impacts of Sex
59 Oriented Businesses," by Peter R. Hecht, Ph.D. of the Environmental Research Group
60 (March 31, 1996);
61
62 (14) "Adult Entertainment Study" by Department of City Planning, City of New York
63 (November 1994);
64
65 (15) "Adams County Nude Entertainment Study" by the Adam's County Sheriff's
66 Department (1991)(Colorado);
67
68 (16) "Adult Entertainment Business Study for Manatee County, Florida," by Manatee County
69 Planning and Development Department (June 1987);
70
71 (17) "Effects of Adult Entertainment Businesses on Residential Neighborhoods," by the
72 Department of Planning, Research and Development, City of El Paso, TX (Sept. 26,
73 1986);
74
75 (18) "NLC Summaries of "SOB Land Use" Studies, Crime Impact Studies by Municipal and
76 State Governments on Harmful Secondary Effects of Sexually-oriented Businesses,"
77 National Law Center for Children and Families, 1991, 1994, 1996, 1997, 1999, 2000,
78 2001, 2002, 2005; and
79

80 **WHEREAS**, the City Commission finds that this Ordinance is in the best interest and
81 welfare of the residents of the City.

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

84 **SECTION 1.** That the foregoing "Whereas" clauses are hereby ratified and incorporated
85 as the legislative intent of this Ordinance.

111 to the nearest property lines of the premises located within the City and used [as] a church or
112 other place of religious worship, school, residentially zoned district, or publicly owned or
113 operated park, playground, library or other recreational facility. A variance shall not be granted
114 to permit an adult entertainment business to operate within the minimum distance separation
115 requirements of this section.

116 **SECTION 4.** That all ordinances or parts of ordinances and all resolutions or parts of
117 resolutions in conflict herewith are hereby repealed, to the extent of the conflict.

118 **SECTION 5.** That if this ordinance or any part thereof is declared by a court of
119 competent jurisdiction to be invalid, such decision shall not affect the validity of the remainder
120 of the ordinance other than the part declared to be invalid.

121 **SECTION 6.** That this Ordinance shall become effective upon the date of its adoption
122 herein.

123 PASSED ON 1ST READING OCTOBER 20, 2010.

124 ADOPTED ON 2ND READING JANUARY 5, 2010.

125 EFFECTIVE DATE PER SECTION 6 OF THIS ORDINANCE.
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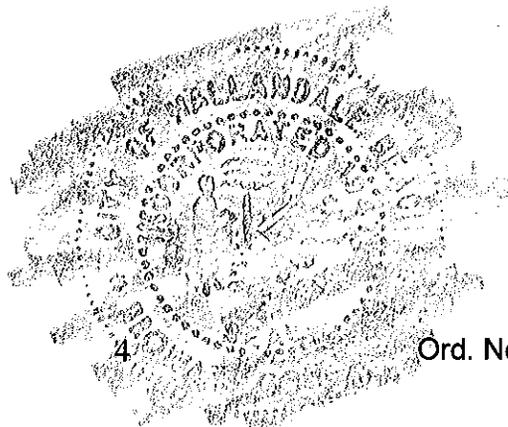
134 ATTEST:

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City Clerk



Mayor-Commissioner



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Ord. No. 2011- 02