

# MEMORANDUM

## Development Services

MEMORANDUM NO. 16-443

DATE: September 23, 2016

TO: Dennis Beach, City Manager

VIA: Robin M. Bird, Director of Development Services   
Jennifer Gomez, Assistant Director of Development Services 

FROM: Karen Friedman, Principal Planner 

SUBJECT: Duration of Christmas Tree Sales

This report includes the City's current regulations the duration of Christmas tree sales as well as other cities' regulations.

### City of Pompano Beach:

The Code of Ordinances limits the duration period for sales of Christmas trees as follows.

*§113.40(B)(3) Any business tax receipt issued for sales permitted under this section shall be valid only for a temporary period of time, as prescribed below: From Thanksgiving Day through December 26th.*

### Analysis of Surrounding Beachfront Cities:

Staff researched the regulations of the following ten cities: Coconut Creek, Coral Springs, Dania Beach, Deerfield Beach, Fort Lauderdale, Hallandale Beach, Hollywood, Lauderdale Lakes, Lauderhill, and Oakland Park:

- Deerfield Beach and Lauderhill have the same duration period as Pompano Beach
- Fort Lauderdale and Hallandale Beach only permit sales for up to 30 days prior to Christmas
- The remaining cities do not specifically address Christmas Tree sales, but rather restrict special sales or temporary sales as follows:
  - Coconut Creek – 45 days
  - Coral Springs – 28 days
  - Dania Beach – 60 days (requires approval by City Commission)
  - Hollywood – 30 days
- Neither Lauderdale Lakes nor Oakland Park include a maximum duration
- A copy of the provisions for the listed cities is found on the next page.

### Outcome:

The City's existing duration period is consistent with other cities, and longer than Coral Springs, Fort Lauderdale, Hallandale Beach, and Hollywood.

| City             | Regulation                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
|------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Coconut Creek    | Sec. 16-20(a)(1)ii.b. – Outdoor special sales <ul style="list-style-type: none"> <li>• A single outdoor sale event, including its advertisement, may occur for up to <b>forty-five (45) consecutive days</b>.</li> </ul>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
| Coral Springs    | Sec. 1015(e). - Temporary use permits. <ul style="list-style-type: none"> <li>• No more than <b>two (2) temporary use</b> permits for an outdoor sales event may be issued per calendar year. Issuance of the temporary use permit for the above reasons shall be in addition to the temporary use permits allowed in Section 1015(d)(4).</li> <li>• Any permit issued for an outside sales event shall be limited to no more than <b>fourteen (14) calendar days (2 events x 14 days – 28 days max.)</b></li> </ul>                                                                                                                                                                                         |
| Dania Beach      | Article 675(B)(9) – Temporary Use and Special Event Permits.<br>(Code is not clear on date. City Staff confirmed that the 60 day listed in the below regulation is used to limit the sales to 60 days) <ul style="list-style-type: none"> <li>• In addition to a temporary use or special event that is required to be approved by the city commission under subsection (A), the following temporary uses and special events shall be approved by the city commission after staff review and recommendation, as provided in this subsection:<br/>(9) Other uses of a similar and temporary nature where the period of use will not extend beyond <b>sixty (60) days</b> during any calendar year.</li> </ul> |
| Deerfield Beach  | Sec. 18-4(e)(4) Regulation of Temporary Holiday Sales - Duration: <ul style="list-style-type: none"> <li>• Christmas trees: The <b>day after Thanksgiving through December 26</b>.</li> </ul>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
| Fort Lauderdale  | Sec. 47-18.15.A.3.c – Holiday-related merchandise, outdoor sales <ul style="list-style-type: none"> <li>• Any license issued for sales permitted under this section shall only be valid for a temporary period of time, as prescribed below:<br/>A maximum of <b>thirty (30) days preceding Christmas</b>.</li> </ul>                                                                                                                                                                                                                                                                                                                                                                                        |
| Hallandale Beach | 16-32-708 (a) – Duration and frequency of permit <ul style="list-style-type: none"> <li>• 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, <b>30 days</b>.</li> </ul>                                                                                                                                                                                                                                                                                                                                                                                                        |
| Hollywood        | §110.50(A)(14) Business Classifications Established <ul style="list-style-type: none"> <li>• One-time sales. One-time events of <b>up to 30 days</b>, seasonal or holiday events that do not require obtaining any other city permit in addition to a local business tax receipt such as auctions, bankruptcies and closing out sales, and for-profit sales of seasonal or holiday merchandise.</li> </ul>                                                                                                                                                                                                                                                                                                   |
| Lauderdale Lakes | Sec. 505.3 <ul style="list-style-type: none"> <li>• <i>Maximum time limit.</i> A maximum time limit shall be established for all temporary uses based on the minimum amount of time needed to conduct the permitted activity.</li> </ul>                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
| Lauderhill       | Sec. 5.22. Holiday Sales – Dates: <ul style="list-style-type: none"> <li>• Sales of Christmas trees and plants shall be confined to the period beginning on <b>November 25 and ending on December 26</b> of each year.</li> </ul>                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
| Oakland Park     | Sec. 8-62 Sale of Christmas trees <ul style="list-style-type: none"> <li>• The dates on which the sale of Christmas trees is to commence and cease.</li> </ul>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |