



**Hallandale Beach**  
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400 South Federal Hwy  
Hallandale Beach, FL 33009

## City of Hallandale Beach City Commission Agenda Cover Memo

Meeting Date:	Item Type:		1 <sup>st</sup> Reading	2 <sup>nd</sup> Reading
<b>11/2/2022</b>	<input type="checkbox"/> Resolution <input checked="" type="checkbox"/> Ordinance <input type="checkbox"/> Other	Ordinance Reading	<b>10/19/2022</b>	<b>11/2/2022</b>
		Public Hearing	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
		Advertising Required	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
		Quasi-Judicial:	<input type="checkbox"/>	<input type="checkbox"/>
File No.:				
<b>22-350</b>				
Fiscal Impact (\$):	Account Balance (\$):	Funding Source:	Project Number:	
<b>N/A</b>	<b>N/A</b>	<b>N/A</b>	<b>N/A</b>	
Contract/P.O. Required	RFP/RFQ/Bid Number:	Sponsor Name:	Department:	
<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<b>N/A</b>	<b>Vanessa Leroy, Director</b>	<b>Sustainable Development</b>	
Strategic Plan Focus Areas:				
<input type="checkbox"/> Finance & Budget		<input type="checkbox"/> Organizational Capacity		<input checked="" type="checkbox"/> Infrastructure/Projects
Implementation Timeline:				
Estimated Start Date: 10/19/2022    Estimated End Date: 11/2/2022				

**SHORT TITLE:**

**AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF HALLANDALE BEACH, FLORIDA, AMENDING ARTICLE III DIVISION 2, OF THE ZONING AND LAND DEVELOPMENT CODE, SECTION 32-142(D), RS-6 RESIDENTIAL SINGLE-FAMILY DISTRICT, SECTION 32-143(D), RS-7 RESIDENTIAL SINGLE-FAMILY DISTRICT, SECTION 32-144(D), RD-12 RESIDENTIAL TWO-FAMILY DISTRICT, SECTION 32-145(D), RM-18 MULTI-FAMILY DISTRICTS, SECTION 32-160C PALMS GATEWAY SUBDISTRICT STANDARDS, SECTION 32-160E FOSTER ROAD SUBDISTRICT SITE DEVELOPMENT STANDARDS EXEMPTING CERTAIN NONCONFORMING LOTS FROM THE PROVISIONS OF SECTION 32-924, NONCONFORMING LOTS OF RECORD; AMENDING SECTION 32-142(D), RS-6 RESIDENTIAL SINGLE-FAMILY DISTRICT, SECTION 32-143(D), RS-7 RESIDENTIAL SINGLE-FAMILY DISTRICT, SECTION 32-144(D), RD-12 RESIDENTIAL TWO-FAMILY DISTRICT, DISTRICTS, AND**

**SECTION 32-160C PALMS GATEWAY SUBDISTRICT STANDARDS, TO CREATE SETBACK REQUIREMENTS FOR OPEN COVERED PATIOS IN REAR YARD SETBACK; AMENDING SECTION 32-160C PALMS GATEWAY SUBDISTRICT DIMENSIONAL REQUIREMENTS RELATIVE TO SIDE YARD SETBACKS; AND AMENDING ARTICLE III DIVISION 3, OF THE ZONING AND LAND DEVELOPMENT CODE, SECTION 32-197(C) RAC NEIGHBORHOOD SUBDISTRICT STANDARDS EXEMPTING CERTAIN NONCONFORMING LOT FROM THE PROVISIONS OF SECTION 32-924, NONCONFORMING LOTS OF RECORD;; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.**

**STAFF SUMMARY:**

**Summary:**

City Administration is proposing to make changes to the existing land development regulations of certain residential zoning districts to allow the development of nonconforming residential lots that are smaller than the minimum lot area or lot width specified for the district.

The attached draft ordinance amends the dimensional requirements provisions of the RS-6 Residential Single-Family District, RS-7 Residential Single-Family District, RD-12 Residential Two-Family District, RM-18 Multi-Family District, Palms Gateway subdistrict, Foster Road subdistrict, and the RAC Neighborhood subdistrict, to allow development on platted nonconforming residential lots that were platted before the effective date of the City's Code (November 21, 1978).

The proposed ordinance also provides for opened covered patios to encroach within rear yard areas for single-family and duplex uses in certain residential districts/subdistricts.

Further, the proposed amendments reduce the side setback requirements for properties zoned Palms Gateway Subdistrict to align with the side yard setback requirements in other districts for single-family and duplexes structures.

**Background:**

On February 23, 2022, the Planning and Zoning Board considered the proposed ordinance. The Board recommended approval of the ordinance, by a vote of 4 to 0. Please see the Planning and Zoning Board Cover Memo and Minutes of the hearing attached as Exhibits 2 and 3.

The proposed amendments will promote needed residential developments and improve the standards for redevelopment, aligning with the purpose and intent of the following zoning districts:

- **RS-6:** The RS-6 residential single-family district provides suitable sites for the development of detached single-family dwellings on moderate-size lots in areas.

- **RS-7:** The RS-7 residential single-family district provides suitable sites for the development of detached single-family residential dwellings on relatively small lots in areas.
- **RD-12:** The RD-12 residential two-family (duplex) district provides for the development of single and two-family residential dwellings in areas.
- **RM-18:** The RM-18 residential multi-family (medium-density) district provides suitable sites for the development of low and medium-density multi-family residential uses.
- **Palms Gateway Subdistrict:** The Palms Gateway subdistrict provides for single-family and multi-family dwellings along the Foster Road corridor that will enhance the historical and cultural identity of the area.
- **Foster Road Subdistrict:** The Foster Road subdistrict is designed to create opportunities for both vertical and horizontal mixed-use (residential and commercial) along the Foster Road corridor, while also enhancing the historical and cultural identity of the area.
- **RAC Neighborhood Subdistrict:** The RAC Neighborhood subdistrict provides for a wide range of residential uses including single and two-family structures.

### **Current Situation:**

Through the years, there have been numerous variance requests to develop single-family homes and mixed-uses (commercial/residential) on smaller lots that were platted before the effective date of the City's Code (November 21, 1978). The Planning and Zoning Board, after reviewing several related variance requests, has commented for Staff to consider amending the code to remove the hindrance to the development of such small lots. Recently, Staff reviewed all zoning districts and areas that are generally built with residential or mixed-uses on platted undersized lots and is proposing amendments to the code to allow the development of nonconforming parcels in certain districts. The proposal is consistent with existing development patterns.

The proposed amendments will also allow covered patio encroachments into rear yards for one and two-family structures that remain unenclosed. This would increase the outdoor use of the residential lots while protecting residents from the heat outdoors, creating shade that furthers the energy efficiency of the residents. The outcome is a more advantageous use of a backyard. Requiring the structure to be unenclosed provides for openness and prevents encumbrances of neighbors' views while reducing the impact of encroachments into a setback area.

In addition, the side setback requirements for properties zoned Palms Gateway Subdistrict are reduced to align with the side yard setback requirements in other districts for single-family and duplexes structures.

The Hallandale Beach Comprehensive Plan calls for the City to adopt land development regulations to protect existing residential neighborhoods while allowing appropriate redevelopment.

The proposed amendments are consistent with the City's Comprehensive Plan. For example, Objective 1.2 of the Comprehensive Plan states the City shall continuously review and reevaluate existing and potential land use conflicts and recommend solutions, to enhance land use compatibility and quality of life. Additionally, the proposed amendment will assist in furthering the following policies and objectives of the City's Comprehensive Plan:

**GOAL 1:** To provide a coordinated and compatible mix of land uses that encourages a high quality of life meeting the social, economic, and physical needs of the present and future population of

Hallandale Beach while insuring reasonable environmental protection and timely and efficient provision of services.

**OBJECTIVE 1.2:** Land Use Compatibility: Continuously review and reevaluate existing and potential land use conflicts and recommend solutions, to enhance land use compatibility and quality of life.

**POLICY 1.2.12:** The City shall not approve zoning variances from the nonconforming use provisions of the land development regulations unless denial of the variance would result in an inability to use the property for any conforming use in the foreseeable future.

**POLICY 1.3.3:** The City shall maintain land development regulations intended to preserve and protect existing single-family neighborhoods from the negative impacts of incompatible land uses and nuisances.

**POLICY 1.3.7:** The City shall focus on compatible infill residential development.

**OBJECTIVE 1.12:** Land Use Consistency: The City shall manage growth and development through the continued administration, and enforcement of the Hallandale Beach Zoning and Land Development Code which shall ensure that future land uses remain consistent with this Plan.

**POLICY 1.12.3:** The City shall continue to review, evaluate and update the City's Unified Land Development Code.

The Low Density, Low-Medium Density, Medium Density, and Regional Activity Center land use are intended to guide land use decisions and provide the framework for consistency between the Hallandale Beach Zoning and Land Development Code and this Comprehensive Plan. The proposed amendment will only further the goals of the appropriate land use designation by creating and improving upon much-needed development in the best interest of the residents of the City of Hallandale Beach.

**Analysis:**

The following is a summary of the proposed amendments in the attached draft ordinance:

1. Amends site development standards in the RS-6, RS-7, RD-12, and RM-18 Districts, and the Palms Gateway, Foster Road, and the RAC Neighborhood subdistricts to exempt lots platted before November 21, 1978, from the minimum lot area and lot width specified by the districts/subdistricts.
2. Amends rear yard setbacks requirements in the RS-6, RS-7, RD-12, and RM-18 Districts, and the Palms Gateway Subdistrict to provide for a reduced rear yard setback for canopies or roof extensions over patios for single-family and two-family structures that are unenclosed.
3. Canopy structures or roof extensions over patios would be permitted subject to the following limitations:
  - a. Shall be attached a minimum of 50% to the principal building.
  - b. Shall be open on all sides a minimum of 80% when load-bearing elements are used.
  - c. Shall not exceed one story or 15 feet in height.
  - d. A recordable covenant would be required in a form acceptable to the City Attorney restricting any enclosure of the structure.

- Amends the side setback requirements for single-family and duplex structures in the Palms Gateway Subdistrict from 7-1/2 feet to 5 feet for interior sides; from 15 feet to 10 feet for corner sides, and from 25 feet to 20 feet from the rear property lines in keeping with the required setbacks in other similar districts.

**Why Action is Necessary:**

Under Article V, Division I, Section 5.01 of The City of Hallandale Beach City Charter, a City Ordinance is to be adopted to amend an existing Ordinance.

**Cost Benefit:**


The proposed code changes will accommodate continued efforts to enhance and revitalize the City of Hallandale Beach consistent with the City's Comprehensive Plan, Future Land Use Element (FLUE) Policy 1.2.9 and will improve the overall quality of life for citizens within the City of Hallandale Beach. The changes also support the elimination of unnecessary variance applications, promote additional housing opportunities, and protect the quality of life of residential areas while maximizing the use of the property.


**PROPOSED ACTION:**


The City Commission considers approval on First Reading of the Ordinance and schedule Second Reading for November 2, 2022.

**ATTACHMENT(S):**

- Exhibit 1- Proposed Ordinance
- Exhibit 2- Planning and Zoning Board Cover Memo dated 2/23/2022
- Exhibit 3- Planning and Zoning Board Minutes of 2/23/2022

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