



City of Hallandale Beach Planning and Zoning Board Agenda Cover Memo

Primary Application Type:	Land Development Regulation Amendments	Hearing Date:	February 23, 2022		
Additional Applications:	N/A	Public Hearing:	YES	NO	
			X		
General Title:	Minimum Lot Size and Canopy Encroachments	Quasi-Judicial:	YES	NO	
				X	
Applicant:	City of Hallandale Beach	Workshop:	YES	NO	
				X	
Application #	LDC#22-00404	Advertisement Type Required:	DISPLAY	REGULAR	N/A
			x		
Staff Recommendation:		Approve	Approve with Conditions		Reject
		X			
Request:			Strategic Plan Priority Area:		
Code amendments to RS-6, RS-7, RD-12, RM-18, Palms Gateway Subdistrict, Foster Road Subdistrict, RAC Neighborhood Subdistrict relative to dimensional requirements.			<input type="checkbox"/> Safety		
			<input checked="" type="checkbox"/> Quality		
			<input checked="" type="checkbox"/> Vibrant Appeal		
Sponsor Name:	Vanessa Leroy, Director Community Enhancement and Sustainable Development Department	Prepared By:	Christy Dominguez, Planning and Zoning Manager		

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 LOTS 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 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 prior to 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

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 for 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 for 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 suitable sizes for the development of two-family (duplex) residential dwellings in areas.
- **RM-18:** The RM-18 residential multi-family (medium-density) district provides for suitable sites for the development of 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 prior to 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 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 outdoor use of the residential lots while protecting residents from the heat outdoors, creating shade which furthers energy efficiency of the residence. 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, in order 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 which 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, in order 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 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 uses 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 prior to 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.

- 4. 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 and from 15 feet to 10 feet for corner sides in keeping with the required setbacks in other similar districts.

Why Action is Necessary

Pursuant to Section 2-231(f)(1) of the City of Hallandale Beach Land Development Regulations, the Planning and Zoning Board shall review and make advisory recommendations to the City Commission on applications for text changes to the Zoning and Land Development Code.

Cost Benefits

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, promotes additional housing opportunities, and protects quality of life of residential areas while maximizing the use of property.

Staff Recommendation:

Staff recommends the Planning and Zoning Board recommend the City Commission approve the proposed code amendments.

Attachment(s):

Exhibit 1- Proposed Ordinance