



## City of Hallandale Beach Planning and Zoning Board Agenda Cover Memo

<b>Applicant:</b>	City of Hallandale Beach	<b>Meeting Date:</b>	February 28, 2024
<b>General Title:</b>	Temporary Uses Code Amendment	<b>Application No.:</b>	LDC-24-00973
<b>Primary Application Type:</b>	Zoning and Land Development Code Amendment	<b>Additional Applications:</b>	Not Applicable
<b>Quasi-Judicial:</b>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<b>Advertisement Type Required:</b>	<input checked="" type="checkbox"/> Display <input type="checkbox"/> Regular <input type="checkbox"/> Not Applicable
<b>Public Hearing:</b>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<b>Workshop:</b>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
<b>Request:</b>	Code amendment to the Zoning and Land Development Code amending the penalties for temporary use applications.		
<b>Business Impact Estimate:</b>	Exempt as per Florida Statute 166.041(4)(c)		
<b>Staff Recommendation:</b>	<b>Sponsor Name:</b>		
<input checked="" type="checkbox"/> Approve <input type="checkbox"/> Approve with Conditions <input type="checkbox"/> Deny	Vanessa J. Leroy, Department of Sustainable Development Director		
	<b>Prepared By:</b>		
	Deandrea Moise, AICP, Principal Planner		

**Short Title:**

**AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF HALLANDALE BEACH, FLORIDA, AMENDING ARTICLE III OF THE ZONING AND LAND DEVELOPMENT CODE, DIVISION 20. – TEMPORARY USES; AMENDING SECTION 32-709. FEES, PENALTIES AND APPEALS PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.**

**Staff Summary**

**Summary**

The Department of Sustainable Development is proposing code amendments to Section 32-709 of the Zoning and Land Development Code to amend the penalties resulting from failure to obtain a temporary

use permit prior to operation, or penalties resulting from violations of conditions of an approved temporary use permit or the Zoning and Land Development Code. The proposed ordinance seeks to clarify that applicants and property owners are subject to violation and moves the penalty of revocation and denial of future applications for a year, to the result of the third violation.

Staff recommends the Planning and Zoning Board forward a recommendation of approval to the City Commission.

### **Background**

Currently upon the fourth violation should any temporary use occur without prior acquisition of a temporary use permit or should any approved permit for temporary uses violate any condition of the approved permit or Zoning and Land Development Code, applications shall be withheld for temporary use permits by the applicant or on the property for a period of one year. The regulations also state that the property owner shall be responsible for payment of any penalty fees should the applicant default.

### **Current Situation**

To clarify the applicability of the violations and promote compliance with the City regulations, the proposed code amendment designates that the penalty of the withholding of future applications for a year, shall apply upon the third violation of a temporary use which occurs without prior acquisition of a temporary use permit or should any approved permit for temporary uses violate any condition of the approved permit or Zoning and Land Development Code. The one-year period shall begin on the date of the issuance of the third violation. Furthermore, violations are applicable to applicants and the property owner.

The proposed code amendment is consistent with the Comprehensive Plan and will assist in furthering the following policies and objectives, based upon the following:

**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 2-3 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 1.13.2:** The Hallandale Beach Zoning and Land Development Code provisions which contain design standards relative to landscaping, setbacks, and other site controls, shall continue to be strictly enforced to meet the intent of the Goal, Objective and Policies of the Future Land Use Element of the Plan.

### **Analysis**

The attached proposed ordinance (Exhibit 1) amends the following sections of the Zoning and Land Development Code summarized below:

1. Maintains that the property owner shall be responsible for payment of all penalty fees should the applicant default.

2. Clarifies that both the applicant and property owner are subject to violation.
3. Amends the penalty for the third violation to include the withholding applications for temporary use permits by the applicant or on the property for a period of one year and clarifies that violations during this time shall be subject to penalty fees.
4. Clarifies that the one-year period shall begin on the date of the issuance of the third violation.

**Why Action is Necessary**

Pursuant to Section 2-102 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.

**Business Impact Estimate**

As per 166.041(4)(c), this item is exempt from providing a business impact estimate as it is an ordinance enacted to implement Part II of chapter 163, relating to growth policy, county and municipal planning, and land development regulation, including zoning, development orders, development agreements, and development permits.

**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 and will improve the overall quality of life for citizens within the City of Hallandale Beach.

**Staff Recommendation:**

Staff recommends the Planning and Zoning Board forward a recommendation of approval to the City Commission.

**Attachment(s):**

Exhibit 1- Proposed Draft Ordinance

Reviewed by: Christy Dominguez  
Planning and Zoning Manager