



City of Hallandale Beach

PLANNING AND ZONING BOARD

400 S. Federal Highway
Hallandale Beach, FL 33009
www.cohb.org

Chair, Kuei Kang (Charles) Wu
Vice-Chair, Howard Garson
Boardmember Danny Kattan
Boardmember Terri Dillard
Boardmember Rick Levinson

Liaison, Christy Dominguez
Liaison Dept. Director, Vanessa Leroy

Meeting Minutes

Wednesday, November 29, 2023

6:00 PM

Commission Chambers

1. CALL TO ORDER

The Planning and Zoning Board Meeting was called to Order by Chair Charles Wu at 6:01 p.m.

2. ROLL CALL

Present:

Chair, Kuei Kang (Charles) Wu
Vice-Chair, Howard Garson
Board member, Terri Dillard
Board member, Danny Kattan
Alternate, Faith Fehr

Staff

Board Liaison: Christy Dominguez
Board Secretary: Laura Mass
Supporting Staff: Deandrea Moise, Raveechai Srihirun and Steven Williams
City Attorney's Representative: Jennifer Merino, City Attorney

3. PLEDGE OF ALLEGIANCE

4. APPROVAL OF MINUTES

- A. Draft of the Meeting Minutes October 25, 2023.

MR. GARSON MOVED TO APPROVE THE MINUTES OF OCTOBER 25, 2023, PLANNING AND ZONING BOARD MEETING.

MS. DILLARD SECONDED THE MOTION.

MOTION PASSED BY UNANIMOUS VOTE (5/0)

5. BOARD/COMMITTEE BUSINESS – OLD BUSINESS

A. 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 2. ACCESSORY USES AND STRUCTURES CREATING SECTION 32-244 ACCESSORY DWELLING UNITS; AMENDING SECTION 32-8 DEFINITIONS; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.

Mr. Wu: read the item into the record.

Ms. Deandrea Moise: provided an update on the affordable housing and vacation rental aspect of the proposed ordinance, whereby this is a continued item from the last meeting of October 25, 2023.

Mr. Wu: inquired about vacation rentals.

Ms. Moise: replied that according to the City's Code an accessory dwelling unit cannot be used as a vacation rental, but the city cannot restrict vacation rentals on the primary dwelling unit according to the Florida Statutes.

Mr. Kattan: Inquired about how this proposed ordinance would apply to small lots.

Ms. Moise: explained that small lots may qualify to be exempt from density requirements through the affordability aspect. Otherwise, if not made affordable, they would be counted as half of unit (i.e., studios or efficiencies) for density requirements and would not qualify as an ADU.

Mr. Kattan: considered that this proposed ordinance would not benefit most of the properties within the City.

Ms. Moise: replied that the affordability aspect would allow most properties to qualify since many of the properties within the city tend to be small.

Mr. Garson: expressed concerns regarding the small lots in the NW section area and the rent rates based on income levels. Additionally asked if properties owners would have the option to decide what income level to rent at.

Ms. Moise: explained that, as written in Florida Statutes, rents are based on the number of bedrooms, which correlates with income levels, and that will determine the rental rate at which it would be rented, for example, very low to moderate-income levels.

Ms. Garson: reiterated his concern regarding the low-income individual.

Ms. Moise: explained that the proposed ordinance is intended to benefit people from all income levels. In order to qualify, these properties must be rented at an affordable level, as defined by the Florida Statutes. However, the rent rates could be discretionary (very low to moderate-income). She added that there are available rent programs for low-income individuals.

Ms. Dillard: inquired about the staff who will enforce what is being proposed.

Ms. Moise: responded that staff conducted this research considering the resources the City has available.

Ms. Fehr: Inquired about enforcement, monitoring seasonal rentals, and derestriction.

Ms. Moise: replied that there would be different enforcement mechanisms. If a homeowner wants to build an ADU, they would be required to submit a recorded restrictive covenant ensuring that the ADU would not be sold separately from the primary dwelling and, in addition, an affidavit showing that is made to be affordable. She added that building permits need to be obtained to have an ADU.

Ms. Fehr: asked how privacy would be affected in the Golden Isles area.

Ms. Moise: replied that additional landscaping may be an option for these properties adjacent to an ADU. Indeed, homeowners must comply with the Code.

Ms. Moise: advised that this proposed ordinance is accompanied by an educational program that seeks to educate the community about the regulations and requirements contained in this ordinance.

Ms. Fehr: inquired about container structures.

Mr. Steven Williams, DSD Assistant Director: responded that container structures are permitted but require a building permit and must be permanently installed and covered so that the container structure is not exposed.

Mr. Wu: expressed concerns regarding the income level based on the County's rather than the State's income level, rent rate restrictions, and enforcement issues. He recommended changes to the proposed ordinance as follows:

- On page 4, line 121: he suggested deleting the last six words on the sentence.

Mr. Williams: agreed with the suggestion made by Mr. Wu.

Mr. Wu: recommended changes to the proposed ordinance as follows:

- On page 4, line 134 (5): he suggested changing the language to “The height of a detach ADU unit shall not exceed the height of the primary dwelling, unless to meet required floodplain elevation requirements”.
- On page 6, line 191: he suggested including the language “in the form acceptable to City Attorney”.

Mr. Wu: suggested having the restrictive covenant recorded once the work is completed. Since, in some cases, applications are not followed through.

Mr. Garson: suggested attaching the deed restriction to the CO.

Mr. Williams: said that a deed restriction can be reversed.

Ms. Jennifer Merino, the City Attorney: confirmed.

Mr. Wu: opened the floor to public participation.

No Public speakers.

Mr. Wu: closed the floor to public participation.

MR. GARSON MOVED TO RECOMMEND APPROVAL OF THE PROPOSED 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 2. ACCESSORY USES AND STRUCTURES CREATING SECTION 32-244 ACCESSORY DWELLING UNITS; AMENDING SECTION 32-8 DEFINITIONS; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE SUBJECT TO THE RECOMMENDED CHANGES MADE BY MR. WU.

MS. DILLARD SECONDED THE MOTION.

MOTION PASSED BY UNANIMOUS VOTE (5/0)

6. REMARKS BY THE CHAIR

7. LIAISON'S REPORT

Ms. Dominguez: informed on the item approved by the City Commission meeting on November 15, 2023 (Code Rewrite RFP). She advised that Calvin, Giordano & Associates was the firm awarded the contract.

The Board discussed the proposed meeting dates for 2024.

Ms. Dominguez: made a change on the proposed date for April 2024 since the date falls on the Passover Holiday week; she suggested changing the date to either April 18th or April 30th.

Mr. Kattan: suggested changing the April meeting to April 18th.

Mr. Wu: requested staff to resend the proposed meeting dates for 2024.

8. SCHEDULING OF NEXT MEETING

Ms. Dominguez: advised that the meeting scheduled for Wednesday, December 27, 2023, will be cancelled.

9. ADJOURNMENT

There being no further business to discuss before the Planning and Zoning Board, the meeting adjourned without objection at 6:53 p.m.

RECORDED: RESPECTFULLY SUBMITTED:

Chair, Charles Wu

ATTEST:

Christy Dominguez, Liaison

Recording of this meeting can be made available to any member of the public upon request. Requests to hear a taping of the Planning and Zoning Board meeting, summarized above, should be submitted to the Planning & Zoning Division at \or can be mailed to 400 South Federal Highway, Hallandale Beach, Florida 33009.

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