

1 EXHIBIT 1

2
3 ORDINANCE NO. 2024-

4
5 AN ORDINANCE OF THE MAYOR AND CITY
6 COMMISSION OF THE CITY OF HALLANDALE BEACH,
7 FLORIDA, AMENDING ARTICLE III OF THE ZONING AND
8 LAND DEVELOPMENT CODE, DIVISION 2. ACCESSORY
9 USES AND STRUCTURES CREATING SECTION 32-244
10 ACCESSORY DWELLING UNITS; PROVIDING FOR
11 CONFLICTS; PROVIDING FOR SEVERABILITY; AND
12 PROVIDING FOR AN EFFECTIVE DATE.

13
14 WHEREAS, pursuant to Sec. 163.31771, Fla. Stat., the Department of Sustainable
15 Development proposes to enable additional affordable housing by amending the City of
16 Hallandale Beach Code of Ordinances to allow for accessory dwelling units (ADUs) for
17 single family dwellings throughout the City, and to provide regulations to manage the
18 construction and use of ADUs; and

19
20 WHEREAS, and ADU is an ancillary or secondary living unit that has a separate
21 kitchen, bathroom, and sleeping area existing within the same structure, or on the same lot,
22 as the primary dwelling unit; and

23
24 WHEREAS, the proposed code amendments incentivize low scale affordable
25 housing development while providing additional rental income for single-family dwelling
26 property owners, and are designed to ensure that ADUs are developed in a manner that
27 protects the character and integrity of single-family dwellings and areas through
28 requirements for design and development; and

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57 stated in Section 163.31771 of the Florida Statutes pertaining to the need to encourage the
58 permitting of accessory dwelling units in single-family residential areas in order to increase the
59 availability of affordable rentals. These standards are devised to ensure that the development of
60 accessory dwelling units does not cause negative impacts on the character or stability of single-
61 family areas.

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63 (b) Definitions. For the purpose of this section, the following definitions shall apply unless the
64 context clearly indicates or requires a different meaning.

65 (1) Accessory dwelling unit (ADU). An ancillary or secondary living unit that has a separate
66 kitchen, bathroom, and sleeping area existing within the same structure, or on the same
67 lot, as the primary dwelling unit. This shall not be considered a multi-family use.

68 (2) Affordable Rental. Monthly rent and utilities do not exceed the maximum rental amount
69 for the median adjusted gross annual income for low-income persons as determined by
70 the latest Florida Housing Finance Corporation Income Limits and Rent Limits for
71 Multifamily Rental Programs for the 50% category for Broward County published at
72 the time of issuance of rental.

73 (3) Primary dwelling. The single-family dwelling developed subject to all requirements of the
74 zoning district where it is located.

75
76 (c) Permitted Districts.

77 (1) An ADU is permitted for residential single-family dwellings within any zoning district
78 where single-family residential use is permitted, subject to all requirements of this
79 section, and shall be exempt from density calculations.

80 (2) In districts where residential single-family dwellings are no longer permitted, lawfully
81 non-conforming residential single-family dwelling uses may develop an ADU consistent
82 with these regulations.

83
84 (d) General Requirements.

85 (1) ADUs shall be restricted to rental as an Affordable Rental to low -income persons
86 pursuant to Section 163.31771 of the Florida Statutes and therefore shall not be used
87 as a vacation rental or a non-affordable housing long term rental, nor shall owners
88 occupy the ADU themselves while renting out the primary dwelling. ADUs shall be
89 rented or available to be rented only by one or more natural persons or a family, who
90 at the time of lease has a total annual adjusted gross household income at or below the
91 Income Limit, adjusted for family size, and for which the rental rate does not exceed
92 the Rent Limit. The following apply:

93 a. “Income Limit” is the income limit by number of persons in household
94 identified in the latest Florida Housing Finance Corporation Income Limits
95 and Rent Limits for Multifamily Rental Programs for the 50% category for
96 Broward County published at the time of issuance of lease to tenant, or
97 renewal thereof. Income shall be determined and verified as indicated
98 below.

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- b. “Rent Limit” is defined as the rent limit by number of bedrooms in the unit identified in the latest Florida Housing Finance Corporation Income Limits and Rent Limits for Multifamily Rental Programs for the 50% category for Broward County published at the time of rental.
 - c. Income Verification. Property Owner must comply with any reasonable requirements established by City Policy to verify income at the time of application or recertification. Tenant shall be required to attest to income via a form to be provided by the City. At a minimum, the Property Owner must obtain and maintain in their files for a period of 5 years the following information for each ADU tenant:
 - 1. The name, age, and occupation of all persons expected to occupy the unit (legal name shall be given just as it shall appear on the Lease and Income Certification).
 - 2. All sources and amounts of current and anticipated annual income including but not limited to employment, child support, retirement, etc. expected to be derived during the rental term.
 - 3. Proof of verification of regular sources of income.
 - 4. Any other documentation required to be maintained by City Policy.
 - (2) No more than one ADU shall be permitted on a lot developed with a primary dwelling.
 - (3) The ADU may be a separate detached unit, an attached unit to the primary dwelling, or a repurposed existing space within the primary dwelling including garage conversions, an apartment over a garage, or a similar structural form.
 - (4) Recreational vehicles, travel trailers, mobile houses, or similar structures shall not be used as an ADU.
 - (5) The design of the accessory dwelling unit shall be uniform, compatible, or complementary in appearance to the primary dwelling.
 - (6) If developed concurrently, a Certificate of Occupancy for the ADU shall not be issued until a Certificate of Occupancy has been issued for the primary dwelling.
 - (7) Notwithstanding the foregoing, at no time shall the occupancy of an ADU exceed the maximum occupant load for the property under the Florida Building Code.
 - (8) Occupancy classification. An ADU shall have an occupancy classification of “single-family residence” pursuant to the Florida Building Code, Residential Volume.
 - (9) The ADU shall not be sold separately from the primary dwelling, nor shall the land ever be subdivided.
 - (10) This section does not exempt property owners from complying with and obtaining Homeowner Association approval.
 - (e) Development Requirements. ADUs shall be developed pursuant to the requirements of the zoning district where it is located except for the following:
 - (1) Minimum Floor Area. The minimum gross floor area shall not be less than 350 sq. ft.

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- 139 (2) Maximum Floor Area. The maximum gross floor area shall not exceed more than 75
 140 percent of the total floor area of the remaining primary dwelling. For example, if the
 141 remaining primary dwelling, after construction of the ADU, will be 1000 sq. ft., the ADU
 142 may not be larger than 750 sq. ft.
- 143 (3) Setbacks. Building setbacks for an ADU shall comply with building setbacks as permitted
 144 within the zoning district where located except as provided below:
- 145 a. Except for properties with rear yards abutting waterfronts, which shall not be
 146 eligible for any reduction of the required setback, the rear yard setback for
 147 ADUs may be reduced up to 50 percent of the required setback of the zoning
 148 district where it is located, with no setback being less than five feet.
- 149 b. An administrative variance shall not be used to further reduce the rear yard
 150 setback.
- 151 (4) Building Separation. Detached ADUs shall be separated at least ten feet from the primary
 152 dwelling.
- 153 (5) Height. The height of an ADU may exceed the height of the primary dwelling provided
 154 that the height of the ADU is consistent with the permitted height for a single-family
 155 dwelling where it is located and is designed in a manner that is uniform, compatible, or
 156 complementary in appearance to the primary dwelling.
- 157 (6) An ADU may have electrical, gas, and other types of utility meters, a house address or
 158 unit number, and a mailbox that are separate from the primary dwelling.
- 159 (7) Minimum lot width and lot area. A smaller lot platted prior to November 21, 1978, that
 160 does not meet the minimum lot area and lot width requirements for the zoning district
 161 where it is located, may develop an ADU consistent with the requirements of this
 162 section.
- 163 (8) Lot coverage. The maximum lot coverage may be increased by not more than 20%.
- 164
- 165 (f) Parking. Parking requirements for an ADU shall be provided pursuant to this subsection. All other
 166 applicable requirements for off-street parking shall apply, and this section shall not exempt the
 167 primary dwelling from providing the required off-street parking.

168 (1) Required Parking Table.

Gross Floor Area	Minimum	Maximum
< 500 sq. ft.	Not Required	2
500 sq. ft. or greater	1	

- 169
- 170 (2) Parking for an ADU shall be provided within a driveway, garage, or other designated off-
 171 street parking area on the same property as the primary dwelling.
- 172 (3) Required parking for an ADU may be provided within an existing driveway or garage
 173 provided that the primary dwelling and ADU parking requirements are met.
- 174

175 (g) Design Requirements.

- 176 (1) For purposes of maintaining the single-family character, there shall only be one entrance
 177 on façades visible from the public right of way. This may be waived in writing at the

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- 178 discretion of the department director, subject to evidence that the intent of this
179 subsection and single-family character is maintained.
180 (2) The ADU must contain architectural characteristics and features that are compatible
181 with the primary dwelling, including, but not limited to, exterior finish, window glazing
182 and fenestration, and roof style.
183 (3) The ADU shall be of a similar scale as the primary dwelling.
184 (4) A detached ADU shall not be located in whole or in part in front of the primary dwelling.
185 This may be waived in writing at the discretion of the department director, subject to
186 evidence that the intent of this subsection and single-family character is maintained.
187

188 (h) Existing Structures.

- 189 (1) Existing lawfully permitted structures that meet applicable building code requirements
190 and life safety standards may be considered under this section as an ADU provided that
191 the property owner complies with all requirements and regulations of this section and
192 obtains a Certificate of Use for an ADU. A building permit may be required.
193 (2) Modifications to the development requirements and the design requirements of this
194 section for existing structures may be administratively approved at the discretion, in
195 writing, of the department director provided that such structure:
196 a. Was lawfully constructed prior to the effective date of this Ordinance;
197 b. Meets the purpose and intent of this section;
198 c. Maintains the single-family character of the primary dwelling; and
199 d. Meets applicable building code requirements and life safety standards.

200 Where the Director finds that the modifications do not meet the criteria above, the
201 request shall be processed pursuant to Section Sec. 32-965. – Variances of the Zoning
202 and Land Development Code.
203

204 (i) Permit Required.

- 205 (1) No ADU shall be constructed, or portion of a primary dwelling renovated or repurposed
206 to accommodate an ADU, before an approved building permit for such work is issued.
207 The plans shall be reviewed for compliance in accordance with the procedures and
208 timeframes applicable to the review and issuance of building permits and pursuant to
209 the requirements and regulations of this section.
210 (2) Prior to issuance of the building permit, a declaration of restrictive covenant, in a form
211 acceptable to the City Attorney, shall be recorded in the public records of Broward
212 County, Florida, attesting that the ADU shall not be sold separately from the primary
213 dwelling, nor shall the land be subdivided, and the unit will only be rented to low-income
214 persons as an Affordable Rental. The covenant shall contain terms and conditions for
215 reporting and verification of affordable housing requirements.
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217 (j) Certificate of Use Required.

- 218 (1) It shall be unlawful for any person, either directly or indirectly, to operate an ADU, in the
219 City, without first making an application for, and having obtained, a certificate of use

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220 pursuant to DIVISION 2 – CERTIFICATE OF USE of the Zoning and Land Development
221 Code, and shall include the following:

- 222 a. Size of the ADU.
 - 223 b. Copy of the issued Certificate of Occupancy or Certificate of Completion.
 - 224 c. Accessory Dwelling Unit Affidavit.
- 225 (2) Certificates of Use issued for ADUs shall comply and be subject to all applicable
226 requirements and regulations pursuant to DIVISION 2 – CERTIFICATE OF USE of the
227 Zoning and Land Development Code, including renewal and revocation.
228

229 (k) Enforcement. The city may require an audit of records to verify compliance with this section. The
230 City may enforce the affordable housing requirements by any and all means legally available to
231 it. Property Owners determined to be in violation of the requirements of this section may be
232 prohibited from having an ADU. Violation of any component of this section, including but not
233 limited to the affordable housing requirement, shall be deemed to invalidate the compliance of
234 the ADU with this section and the City may require that the structure be brought into compliance
235 with then applicable requirements for single-family residences excluding any and all exceptions
236 provided by this section for properties with ADUs.

237
238 Secs. 32.245 – 32.260. – Reserved.

239 ***

240 **SECTION 3.** All ordinances, parts of ordinances, resolutions, or parts of
241 resolutions in conflict herewith are hereby repealed, to the extent of the conflict.

242
243 **SECTION 4.** Should any provision of this Ordinance be declared by a court of
244 competent jurisdiction to be invalid, such decision shall not affect the validity of this
245 Ordinance as a whole or any portion thereof, other than the part that is declared to be
246 invalid.

247
248 **SECTION 5.** This Ordinance shall take effect immediately upon its passage and
249 adoption.

250 PASSED on 1st reading, on _____, 20__.

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252 PASSED AND ADOPTED on 2nd reading, on _____, 20__.

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JOY F. COOPER
MAYOR

ATTEST:

JENORGEN GUILLEN
CITY CLERK

APPROVED AS TO LEGAL SUFFICIENCY
FORM

JENNIFER MERINO
CITY ATTORNEY

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