1	EXHIBIT 1						
2 3	ORDINANCE NO. 2024-						
4 5 6 7 8 9 10 11 12	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; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.						
	WHEREAS purguent to See 162 21771 Fla Stat. the Department of Sustainable						
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						
29							

30	WHEREAS, each ADU unit applies towards satisfying the affordable housing					
31	component of the City's housing element within the Comprehensive Plan, and the code					
32	amendments are consistent with the Comprehensive Plan as they assist in furthering its					
33	policies and objectives; and					
34						
35	WHEREAS, Staff recommends that the Mayor and City Commission find it in the					
36	public interest to adopt the proposed amendments to the Code for ADU.					
37						
38	NOW THEREFORE BE IT ORDAINED BY THE MAYOR AND CITY COMMISSION OF					
	NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COMMISSION OF					
39	THE CITY OF HALLANDALE BEACH, FLORIDA:					
40						
41	SECTION 1. The foregoing "Whereas" clauses are confirmed as true and					
12	incorporated herein.					
13	SECTION 2. The following sections of the City of Hallandale Beach Code of					
14	Ordinances are amended as follows:					
45	Chapter 32 – ZONING AND LAND DEVELOPMENT CODE					
1 6	ARTICLE IV. – DEVELOPMENT STANDARDS					
17	DIVISION 2. ACCESSORY USES AND STRUCTURES					
48	Sec. 32-242. – Permitted accessory uses.					
19	***					
50 51 52	(c) Accessory dwelling units are permitted only in zoning districts that explicitly permit them and regulate their size and placement. ***					
53	Secs. 32-244. 32-260 Reserved. Accessory Dwelling Units.					
54 55 56	(a) Purpose and Intent. The purpose and intent of this section is to create a regulatory framework that encourages the development of accessory dwelling units that are rented on the local housing market to members of the community and adopts the view of the Florida Legislature as Words in strikethrough type are deletions from existing text. Words in underline type are additions.					

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.					
62							
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.					
70		Words in strikethrough type are deletions from existing text. Words in underline type are additions					

99	b. <u>"Rent Limit" is defined as the rent limit by number of bedrooms in the unit</u>
100	identified in the latest Florida Housing Finance Corporation Income Limits
101	and Rent Limits for Multifamily Rental Programs for the 50% category for
102	Broward County published at the time of rental.
103	c. Income Verification. Property Owner must comply with any reasonable
104	requirements established by City Policy to verify income at the time of
105	application or recertification. Tenant shall be required to attest to income
106	via a form to be provided by the City. At a minimum, the Property Owner
107	must obtain and maintain in their files for a period of 5 years the following
108	information for each ADU tenant:
109	1. The name, age, and occupation of all persons expected to occupy the
110	unit (legal name shall be given just as it shall appear on the Lease and
111	Income Certification).
112	2. All sources and amounts of current and anticipated annual income
113	including but not limited to employment, child support, retirement,
114	etc. expected to be derived during the rental term.
115	3. <u>Proof of verification of regular sources of income.</u>
116	4. Any other documentation required to be maintained by City Policy.
117	(2) No more than one ADU shall be permitted on a lot developed with a primary dwelling.
118	(3) The ADU may be a separate detached unit, an attached unit to the primary dwelling, or
119	a repurposed existing space within the primary dwelling including garage conversions,
120	an apartment over a garage, or a similar structural form.
121	(4) Recreational vehicles, travel trailers, mobile houses, or similar structures shall not be
122	used as an ADU.
123	(5) The design of the accessory dwelling unit shall be uniform, compatible, or
124 125	complementary in appearance to the primary dwelling.
125 126	(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.
120	(7) Notwithstanding the foregoing, at no time shall the occupancy of an ADU exceed the
128	maximum occupant load for the property under the Florida Building Code.
129	(8) Occupancy classification. An ADU shall have an occupancy classification of "single-family
130	residence" pursuant to the Florida Building Code, Residential Volume.
131	(9) The ADU shall not be sold separately from the primary dwelling, nor shall the land ever
132	be subdivided.
133	(10) This section does not exempt property owners from complying with and obtaining
134	Homeowner Association approval.
135	
136	(e) Development Requirements. ADUs shall be developed pursuant to the requirements of the
137	zoning district where it is located except for the following:
138	(1) Minimum Floor Area. The minimum gross floor area shall not be less than 350 sq. ft.
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remaining primary dwelling, after construction of the ADU, will be 1000 sq. ft., the ADI may not be larger than 750 sq. ft. (3) Setbacks. Building setbacks for an ADU shall comply with building setbacks as permitted within the zoning district where located except as provided below: a. Except for properties with rear yards abutting waterfronts, which shall not be eligible for any reduction of the required setback, the rear yard setback for ADUs may be reduced up to 50 percent of the required setback of the zoning district where it is located, with no setback being less than five feet. ADUS may be reduced up to 50 percent of the required setback of the zoning district where it is located, with no setback being less than five feet. (4) Building Separation. Detached ADUs shall be separated at least ten feet from the primary dwelling. (5) Height. The height of an ADU may exceed the height of the primary dwelling provided that the height of the ADU is consistent with the permitted height for a single-family dwelling where it is located and is designed in a manner that is uniform, compatible, o complementary in appearance to the primary dwelling. (6) An ADU may have electrical, gas, and other types of utility meters, a house address of unit number, and a mailbox that are separate from the primary dwelling. (7) Minimum lot width and lot area. A smaller lot platted prior to November 21, 1978, that does not meet the minimum lot area and lot width requirements for the zoning district where it is located, may develop an ADU consistent with the requirements of this section. (8) Lot coverage. The maximum lot coverage may be increased by not more than 20%. (7) Parking. Parking requirements for an ADU shall be provided pursuant to this subsection. All other applicable requirements for off-street parking shall apply, and this section shall not exempt the primary dwelling. (8) Parking for an ADU shall be provided within a driveway, garage, or other designated off street parking area on the same property as the primary	140			percent (<u>of the total floor area o</u>	f the remaining prima	ary dwelling. For e	example, if the
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		(6)						
on raçades visible from the public right of way. This may be waived in writing at the								
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					TT 1	11.0		

(2) Maximum Floor Area. The maximum gross floor area shall not exceed more than 75

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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			vith 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)	detached ADU shall not be located in whole or in part in front of the primary dwelling.				
185			nis 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			equest 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.				
216							
217	(i)	Cortific	ate of Use Required.				
217	(j)						
218		(1)	It shall be unlawful for any person, either directly or indirectly, to operate an ADU, in the City, without first making an application for, and having obtained, a certificate of use				
417			city, without first making an application for, and having obtained, a certificate of use				

220	pursuant to DIVISION 2 - CERTIFICATE OF USE of the Zoning and Land Development					
221	Code, and shall include the following:					
222	a. <u>Size of the ADU.</u>					
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	<u>Secs. 32.245 – 32.260. – Reserved.</u>					
220	***					
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						
2 4 2 243	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					
251 252	PASSED AND ADOPTED on 2nd reading, on, 20					

253			
254			
255			
256		JOY F. COOPER	
257		MAYOR	
258			
259			
260	ATTEOT		
261	ATTEST:		
262 263			
263 264			
265	JENORGEN GUILLEN		
266	CITY CLERK		
267			
268	APPROVED AS TO LEGAL SUFFICIENCY		
269	FORM		
270			
271			
272		<u></u>	
273	JENNIFER MERINO		
274	CITY ATTORNEY		