

1 EXHIBIT 1

2
3 ORDINANCE NO. 2024-

4
5 AN ORDINANCE OF THE MAYOR AND CITY COMMISSION
6 OF THE CITY OF HALLANDALE BEACH, FLORIDA,
7 AMENDING ARTICLE V OF THE ZONING AND LAND
8 DEVELOPMENT CODE, AMENDING SECTIONS 32-206 32-
9 216, 32-147, 32-149, AND 32-181 AND CREATING SECTION
10 32-796 RELATING TO THE ALLOCATION OF RESIDENTIAL
11 UNITS; PROVIDING FOR CONFLICT; PROVIDING FOR
12 SEVERABILITY; PROVIDING FOR CODIFICATION; AND
13 PROVIDING FOR AN EFFECTIVE DATE.

14 WHEREAS, the City Code currently requires that residential units be allocated at the
15 time of approval of the development application; and

16 WHEREAS, projects are often proposed in a manner that phases construction and
17 may result in the approval of residential capacity that may not be built; and

18 WHEREAS, the City has limited availability of Residential Units to allocate to
19 prospective projects and immediate allocation of all residential units, including those for
20 future phases, severely limits the ability to regulate development in a manner most beneficial
21 to the residents; and

22 WHEREAS, properties have a base density which entitles them to a certain number
23 of residential units, but approval of units beyond base density, or flexibility units is
24 discretionary and based on factors listed in the City Code; and

25 WHEREAS, the Department of Sustainable Development recommends that the
26 Mayor and City Commission find it in the public interest to authorize the City Commission to
27 negotiate future allocation of residential units for phased projects as a condition of approval.

28 NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COMMISSION OF
29 THE CITY OF HALLANDALE BEACH, FLORIDA:

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31 SECTION 1. The foregoing “Whereas” clauses are confirmed as true and
32 incorporated herein.

62 apply to allocation of the remaining dwelling units in the RAC subdistricts: in
63 accordance with both plans.

64 ~~(1) These procedures must be followed for development applications that would~~
65 ~~exceed the base density in a Central RAC subdistrict. Individual subdistricts~~
66 ~~provide performance criteria that must also be met to qualify for density levels~~
67 ~~above the specified base density.~~

68 ~~(2) These procedures must also be followed for RAC development applications~~
69 ~~outside the central RAC zoning district where additional density is allowed by the~~
70 ~~zoning district or through rezoning to a district that allows a higher density.~~

71 ~~(3) Allocation of maximum density units requires a development to provide at least~~
72 ~~15 percent of the project's residential units as affordable housing or contribution~~
73 ~~to the city's affordable housing fund.~~

74 ~~(4) Additional dwelling units will be allocated at the time of development plan~~
75 ~~approval by the city commission. Upon expiration of a development plan, as~~
76 ~~provided in [section 32-790](#), the allocation of dwelling units shall terminate and~~
77 ~~such units shall be made available for future development.~~

78 ~~(5) The allocation of additional dwelling units shall be subject to all provisions of the~~
79 ~~zoning and land development code applicable at the time of development plan~~
80 ~~approval and subject to any special conditions imposed by the city commission~~
81 ~~on a development approval.~~

82 ~~(6) The costs to the developer of its affordable housing contribution shall be offset by~~
83 ~~allowing the developer additional density through the allocation of RAC units~~
84 ~~above the base density permitted by code.~~

85 ~~(7) (1) The Broward County Land Use Plan limits the total number of dwelling units~~
86 ~~that can be added within the RAC east of U.S. 1. Allocation of dwelling units east~~
87 ~~of U.S. 1 must be consistent with that plan.~~

88 ~~(8) (2) Acreage for non-residential land use shall be assigned on a net acreage basis~~
89 ~~to all lands included in the parcel needed to comply with the on-site land~~
90 ~~development requirements, such as building footprint, setbacks, parking,~~
91 ~~outdoor pedestrian circulation, landscaping, drainage, and other improvements.~~

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* * *

93 (d) *Monitoring of development activity.* Hallandale Beach has entered into an
94 interlocal agreement with Broward County that commits the city to monitor
95 development activity with the RAC and to submit quarterly reports to the county
96 about the density and intensity of land uses within the RAC.

97 (1) Within mixed use projects, RAC acreage and RAC dwelling units shall be
98 assigned according to the proportion of floor area associated with each use for
99 monitoring overall RAC build out (e.g., if 50 percent of the floor area is used for
100 A, then 50 percent of the net acreage of the development parcel shall be
101 assigned to A).

102 ~~(e) *Future increases in RAC density.* If the Hallandale Beach Comprehensive Plan~~
103 ~~and the Broward County Land Use Plan are amended to increase the total~~
104 ~~number of dwelling units allowable within the RAC, this code may be amended~~
105 ~~to define how the additional dwelling units will be allocated.~~

106 * * *

107 **Sec. 32-216. – Density allocation standards.**

108 (a) *Base density and maximum density.* Each Hallandale Beach Boulevard
109 subdistrict defines a base density and a maximum density, expressed as the
110 number of dwelling units allowed per net acre.

111 (1) Development up to the base density is permitted by right except that allocation
112 of residential flex units requires density allocation as described in section 32-
113 796.

114 (2) Development between the base density and the maximum density requires
115 residential flex unit density allocation as described below in subsection (b) in
116 section 32-796.

117 (3) Development above the maximum density cannot be approved.

118 ~~(b) *Residential unit density allocation.* The Hallandale Beach Comprehensive Plan~~
119 ~~and the Broward County Land Use Plan limit the total number of flexibility~~
120 ~~dwelling units that may be assigned to a parcel. The city commission has~~
121 ~~established the following density allocation procedures to ensure the~~

122 equitable allocation of the remaining dwelling units in accordance with both
123 plans.

124 (1) These procedures must be followed for development applications that would
125 exceed the base density in a Hallandale Beach subdistrict. Individual subdistricts
126 provide performance criteria that must also be met to qualify for density levels
127 above the specified base density.

128 (2) Residential flexibility units up to the base density permitted in the subdistrict
129 may be approved administratively by the development services director.

130 (3) Residential flexibility units above the base density shall be allocated at the time
131 of development plan approval by the city commission. Upon expiration of a
132 development plan, as provided in section 32-790, the allocation of residential
133 flexibility units shall terminate, and such units shall be made available for future
134 development.

135 (4) The allocation of residential flexibility units shall be subject to all provisions of
136 the zoning and land development code applicable at the time of development
137 plan approval and subject to any special conditions imposed by the city
138 commission on a development approval.

139 (5) Proposed density shall not exceed the maximum density permitted by the city's
140 comprehensive plan. Any residential development on sites designated
141 commercial in the city's land use plan above the base is subject to allocation by
142 the city commission of residential flexibility units and execution of a restrictive
143 covenant or agreement in a form acceptable to the city attorney as to the number
144 and any restrictions on the residential units. It is further provided that the density
145 of any such development shall be subject to availability and assignment of
146 flexibility units by the city commission in accordance with the Broward County
147 flexibility rules contained in the administrative rules document of the county land
148 use plan. The city commission shall not be required to allot flexibility units to
149 permit the maximum density permitted by the city comprehensive plan.

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152 **Sec. 32-147. - RM-HD-2 residential multi-family (high-density-2) district.**

153 Purpose and intent. The purpose and intent of the RM-HD-2 residential multi-family (high-
154 density) district is to provide suitable sites for the development of high-density multi-family
155 residential uses, up to 50 dwelling units per acre and mixed commercial and residential uses
156 in areas consistent with the city's comprehensive land use plan. Rezoning to high-density
157 district shall be subject to assignment of flexibility units by the city commission in accordance
158 with the flexibility rules of the administrative rules document of the county land use plan. The
159 rezoning of land to this district is limited to properties west of the intracoastal waterway.

160 * * *

161 **Sec. 32-149. - B-L business limited district.**

162 *Purpose and intent.* The purpose and intent of the B-L business limited district is to
163 provide suitable sites for the development of limited business activities of an office, retail
164 and service nature in centralized locations consistent with the city's comprehensive land
165 use plan.

166 * * *

167 (c) Uses permitted conditionally. Uses permitted conditionally are as follows:

168 * * *

169 (8) Multi-family residential uses on sites of not less than one acre including residential and
170 commercial uses having a density not exceeding 50 dwelling units per net acre which is
171 devoted to residential use and complying with the site development standards and general
172 regulations set forth in subsection (e) of this section. Any residential development in the B-
173 L zoning use district is subject to and conditioned upon availability and ~~apportionment~~
174 assignment of ~~reserve~~ flexibility units under county flexibility rules contained in ~~Article 2~~ of
175 the Administrative Rules Document of the County Land Use Plan. It is further provided that
176 density of any such development shall be subject to approval of the city commission
177 pursuant to section 32-796 and that the city shall not be required to allot flexibility units to
178 permit the maximum density of 50 units per net acre.

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180 **Sec. 32-181. - RDO redevelopment overlay.**

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* * *

182 All uses within the RDO redevelopment overlay shall comply with both the otherwise
183 applicable regulations, these supplemental regulations and the city's design guidelines.

184 Where the regulations for this overlay district conflict with other overlay district regulations
185 or otherwise application regulations, these provisions shall control.

186 (b) Permitted uses. All uses specifically permitted by this article and the underlying zoning
187 district shall be permitted within the overlay district except as prohibited herein. Other uses,
188 similar in nature to the uses permitted in the underlying zoning district but not specifically
189 permitted therein, may be permitted within the overlay district if not prohibited by this article.

190 * * *

191 (d) Uses permitted conditionally.

192 (1) All uses specifically permitted by the underlying zoning districts as a conditional use are
193 permitted in accordance with established procedures for a conditional use permit, unless
194 the use is prohibited within these provisions.

195 (2) Multi-family residential uses on commercial land use designated and zoned land on sites
196 of not less than one acre including mixed residential uses on sites of not less than one acre,
197 including mixed residential and commercial in the same structure subject to the density
198 limitations established by the city's comprehensive plan future land use element and
199 availability and ~~apportionment~~ assignment by the city commission of flexibility or ~~reserve~~
200 units ~~under~~ pursuant to section 32-796 and the Broward County flexibility rules contained in
201 the Administrative Rules Document of the Broward County Land Use Plan.

202 * * *

203 **SECTION 3.** The following sections of the City of Hallandale Beach Code of Ordinances
204 is created as follows:

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206 ARTICLE V. – DEVELOPMENT REVIEW PROCEDURES

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* * *

208 **Sec. 32-796 –Allocation of Residential Units.**

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210 Residential unit density allocation. The Hallandale Beach Comprehensive Plan and the
211 Broward County Land Use Plan limit the total number of residential units, RAC units, and
212 flexibility dwelling units that may be assigned to a parcel. The city commission has
213 established the following density allocation procedures to ensure the equitable allocation of
214 the remaining dwelling units in accordance with both plans.

215 (a) These procedures must be followed for development applications that would
216 exceed the base density. Individual subdistricts provide additional performance

217 criteria that must also be met to qualify for density levels above the specified base
218 density.

219 (b) Allocation of maximum density units requires a development to provide affordable
220 housing unit(s) as specified by the subdistrict or contribution to the city's affordable
221 housing fund. The costs to the developer of its affordable housing contribution shall
222 be offset by allowing the developer additional density through the allocation of RAC
223 units above the base density permitted by code.

224 (c) Residential RAC units up to the base density permitted in the subdistrict may be
225 approved administratively by the development services director. Allocation of
226 residential RAC units above the base shall require city commission approval.
227 Allocation of any residential flexibility units also require city commission approval.

228 (d) Time of Allocation.

229 (1) Except as otherwise indicated in this section, Residential Units above
230 the base density shall be allocated at the time of development plan
231 approval by the city commission. Upon expiration of a development plan,
232 as provided in section 32-790, the allocation of residential flexibility or RAC
233 units shall terminate, and such units shall be made available for future
234 development.

235 (2) Notwithstanding any other provision of the Code, the City Commission
236 may condition its approval of a project on future allocation of Residential
237 Units if RAC units exceed the base density or are Flex Units. Exercise of
238 this provision shall be incorporated in an approved development
239 agreement, restrictive covenant or agreement in a form acceptable to the
240 city attorney as to the number and any restriction on the residential units.
241 If future allocation is incorporated into an agreement, the commission shall
242 not approve any proposed plat amendments that include units not yet
243 allocated. Multiple plat amendments may be required for the various
244 phases.

245 (e) The allocation of residential units shall be subject to all provisions of the zoning
246 and land development code applicable at the time of development plan approval and
247 subject to any special conditions imposed by the city commission on a development
248 approval.

249 (f) Proposed density shall not exceed the maximum density permitted by the city's
250 comprehensive plan. Any residential development on sites utilizing residential
251 flexibility units is subject to allocation by the city commission of residential flexibility
252 units and execution of a restrictive covenant or agreement in a form acceptable to
253 the city attorney as to the number and any restrictions on the residential units. It is
254 further provided that the density of any such development shall be subject to
255 availability and assignment of flexibility units by the city commission in accordance
256 with the Broward County flexibility rules contained in the administrative rules
257 document of the county land use plan. The city commission shall not be required to
258 allot flexibility units to permit the maximum density permitted by the city
259 comprehensive plan.

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262 **SECTION 4. Conflict.** All ordinances, parts of ordinances, resolutions, or parts of
263 resolutions in conflict herewith are hereby repealed, to the extent of the conflict.

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265 **SECTION 5. Severability.** Should any provision of this Ordinance be declared by a
266 court of competent jurisdiction to be invalid, such decision shall not affect the validity of this
267 Ordinance as a whole or any portion thereof, other than the part that is declared to be invalid.

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269 **SECTION 6. Codification.** It is the intention of the Mayor and City Commission that the
270 provisions of this ordinance be incorporated into the Code of Ordinances; to effect such intention
271 the words "ordinance" or "section" may be changed to other appropriate words.

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273 **SECTION 7. Effective Date.** This Ordinance shall take effect immediately upon its
274 passage and adoption.

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276 PASSED AND ADOPTED on 1st reading, on _____, 20__.

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278 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