

1 EXHIBIT 1

2 ORDINANCE NO. 2025-

3 AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF
4 THE CITY OF HALLANDALE BEACH, FLORIDA, AMENDING
5 CHAPTER 32, ZONING AND LAND DEVELOPMENT CODE TO
6 ESTABLISH PROVISIONS AND CRITERIA FOR WAIVERS;
7 SPECIFICALLY AMENDING ARTICLE I. "GENERAL
8 PROVISIONS" SECTION 32-8 "DEFINITIONS" TO PROVIDE
9 DEFINITIONS FOR WAIVERS; AMENDING ARTICLE VIII
10 "REZONING, CONDITIONAL USES, VARIANCES, ZONING
11 RELIEF PROCEDURES" TO ESTABLISH SECTION 32-970
12 "WAIVERS"; PROVIDING FOR SEVERABILITY; PROVIDING
13 FOR CONFLICTS; PROVIDING FOR CODIFICATION; AND
14 PROVIDING FOR AN EFFECTIVE DATE.

15
16 **WHEREAS**, the City of Hallandale Beach ("City") Department of Sustainable
17 Development is proposing an amendment to the Zoning and Land Development Code (the
18 "Code") to establish provisions related to the consideration and granting of waivers for certain
19 development applications; and

20 **WHEREAS**, the Code currently identifies Variances and Redevelopment Area
21 Modifications (RAMs) as the primary mechanisms for providing relief from zoning regulations
22 in certain zoning districts within City, subject to the meeting of specific criteria; and

23 **WHEREAS**, variances allow for the relaxation of specific dimensional or area-based
24 requirements (such as setbacks, building height, and lot coverage) in cases where strict
25 application of the code would impose an unnecessary hardship on the property owner, and
26 RAMs provide for modifications of specific Code requirements but only within designated
27 districts, subject to certain criteria and are geographically limited to specific redevelopment
28 or special planning areas; and

29 **WHEREAS**, Staff has identified waivers as a tool to promote more adaptable land use
30 regulations across City by providing flexibility in situations where strict adherence to procedural
31 standards would result in practical difficulties, constrain creative design solutions, or impede
32 efficient development; and

WHEREAS, waivers will provide a new framework for zoning relief that slightly mirrors the flexibility provided by RAMs but is applicable throughout all zoning districts, and distinctly from variances, would apply to non-dimensional regulatory or procedural requirements; and

WHEREAS, by incorporating waivers into the Code, the City aims to streamline the approval process, reduce reliance on the variance process, and create more opportunities for administrative resolution of minor issues; and

WHEREAS, on October 16, 2025, the City’s Planning and Zoning Board considered the proposed text amendment and afforded all interested persons an opportunity to be heard at a duly noticed public hearing and recommended approval to the City Commission; and

WHEREAS, the Mayor and City Commission have conducted duly noticed public hearings on the proposed amendment to the Code, as required by Chapter 163, Florida Statutes; and

WHEREAS, the Mayor and City Commission have determined that the proposed amendment to the Code is in the best interest of the City and its residents.

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

SECTION 1. Incorporation of Recitals. The foregoing “Whereas” clauses are confirmed as true and incorporated herein.

SECTION 2. Text Amendment to the Zoning and Land Development Code.

Chapter 32, Article I “General Provisions” Division 1. “Generally,” Section 32-8 “Definitions” is hereby amended to read as follows:

Section 1

Chapter 32 – ZONING AND LAND DEVELOPMENT CODE

ARTICLE I. – GENERAL PROVISIONS

DIVISION 1. – GENERALLY

Sec. 32-8 – Definitions

Variance means a relaxation of the area or dimensional requirements of this chapter where such variance will not be contrary to the public interest and where, owing to conditions

66 peculiar to the property and not the result of the actions of the applicant, literal enforcement
67 of this chapter would result in unnecessary and undue hardship.
68

69 ***

70 Waiver means a relaxation of specific regulatory or procedural requirements of this
71 chapter, other than area or dimensional standards, where such waiver will not be contrary
72 to the public interest and where the granting of the waiver is consistent with the intent and
73 purpose of this chapter, including providing flexibility to encourage innovative design
74 solutions. Waivers shall not be granted for any dimensional standards, uses, building
75 height, density, or to decrease required parking.
76

77 ***

78
79 **SECTION 3. Text Amendment to the Zoning and Land Development Code.**

80 Chapter 32, Article VIII "Rezoning, Conditional Uses, Variances, Zoning Relief Procedures"
81 Section 32-968 and 32-970 are hereby amended to read as follows:

82 **Section 2**

83 Chapter 32 – ZONING AND LAND DEVELOPMENT CODE

84 ***

85 ARTICLE VIII. – REZONING, CONDITIONAL USES, VARIANCES, ZONING RELIEF
86 PROCEDURES, AND WAIVERS

87 ***

88
89
90 Sec. 32-968 - Filing fees.

- 91 (a) All applications shall be accompanied by an official filing fee, which shall be used
92 to defray expenses for administration, notices, and advertisements.
93
94 (b) The fees shall apply to all applications for land use plan amendments, rezonings,
95 conditional uses and variances. Filing fees for development review approval are
96 established by resolution and on file.
97
98 (c) After-the-fact applications. The penalty for an after-the-fact application shall be an
99 amount equal to two times the filing fee.
100
101 (d) Fee Reduction. Where the requirement to file an application arises directly from an
102 error, omission, or other action of the City, the Director may request a reduction of
103 the filing fee to the City Manager. The City Manager shall have the final authority
104 to approve, modify, or deny the request. Such a request shall:
105
106 1. Be made in writing to the City Manager with a description of the
107 circumstances leading to the application;
108
109 2. Recommend the amount of reduction, up to one hundred percent (100%)
110 of the City filing fee.

111 This provision applies only to City filing fees and shall not apply to any outside costs
112 incurred by the applicant, including but not limited to legal, professional, or advertising.
113

114 ***
115

116
117 Sec. 32-970 – Waivers
118

119 (a) Authority. A waiver to the provisions of this chapter may be granted provided that such
120 waiver will not be contrary to the public interest, and where literal enforcement would
121 create practical difficulties or hinder innovative design solutions. A waiver request may
122 be granted by the city commission, planning and zoning board, or director, depending
123 on the level of review required by the associated development application, and as
124 otherwise in compliance with this section.
125

- 126 1. The waiver procedures in the section apply to requests for waivers of
127 development standards where no other specific waiver process is provided in
128 this chapter.
129
- 130 2. Where this chapter establishes specific waiver, modification, or alternative
131 compliance procedures for a particular standard, that procedure shall govern,
132 and any conflicting provisions of this section shall not apply.
133

134 (b) Levels of review. Waivers may be considered at three (3) levels consistent with the
135 underlying development application submitted by the applicant:
136

- 137 1. Administrative review. The sustainable development director may grant
138 waivers in conjunction with minor development applications that do not
139 otherwise require board or commission approval, and for all single-family
140 residential developments.
141
- 142 2. Board review. The planning and zoning board may grant waivers in conjunction
143 with minor development applications that otherwise require board approval.
144
- 145 3. Commission review. The city commission may grant waivers in conjunction with
146 major development applications or any applications that otherwise require
147 commission review and approval.
148

149 (c) Application. An application for a waiver shall be filed with the director on forms
150 provided by the city and include:
151

- 152 1. Identification of the specific provision(s) of the Code from which relief is sought;
153
- 154 2. A narrative explaining the circumstances that justify the waiver, including how
155 strict enforcement would create practical difficulties or hinder innovative design,
156 as applicable;

- 157
- 158 3. Supporting plans or documents as necessary to evaluate the request;
- 159
- 160 4. Disclosure of all parties in interest, signed and notarized by the applicant and
- 161 property owner. If the applicant is not the property owner, the written consent
- 162 of the owner shall be required; and
- 163
- 164 5. Payment of applicable fees.
- 165

166 (d) Review procedures and escalation.

167

168 1. Administrative review.

169

- 170 a. The director shall review the request for compliance with subsection
- 171 (e) (Approval Criteria).
- 172
- 173 b. Once the application is deemed to be complete, all property owners
- 174 within 150 feet of the property will receive a courtesy notice of the
- 175 request by first-class mail that sets forth the following:
- 176
- 177 1. Type and nature of administrative waiver being considered;
- 178
- 179 2. The place and time that the application may be reviewed; and
- 180
- 181 3. Notification that any protest by a noticed property owner will be
- 182 required in writing within ten (10) working days from the date of
- 183 the courtesy notice.
- 184
- 185 c. The director may approve, approve with conditions, or deny the
- 186 waiver.
- 187
- 188 d. If the director denies the waiver or determines it warrants higher-
- 189 level review, the applicant may either withdraw the application or
- 190 escalate the waiver request to the planning and zoning board for
- 191 consideration.
- 192
- 193 1. If the applicant decides to escalate the application, such a
- 194 decision must be made in writing within ten (10) days of the
- 195 director's formal decision.
- 196
- 197 2. The applicant shall not be responsible for any additional
- 198 application fees, except for the cost of advertising the
- 199 application for the board hearing.
- 200
- 201 3. If the applicant fails to either withdraw or escalate the
- 202 application within the required time period, the waiver request
- 203 shall be deemed denied with finality and closed by the City

204
205 2. Planning and Zoning Board review.
206

- 207 a. The board shall review waiver requests associated with minor
208 developments requiring board approval, or those escalated from the
209 director.
210
211 b. The board may approve, approve with conditions, or deny the
212 waiver.
213
214 c. If the board denies the waiver, the applicant may escalate the
215 application to the city commission for its consideration.
216
217 1. If the applicant decides to escalate the application, such a
218 decision must be made in writing within ten (10) days of the
219 Planning and Zoning Board hearing.
220
221 2. The applicant shall not be responsible for any additional
222 application fees, except for the cost of advertising the
223 application for the commission hearing.
224
225 3. If the applicant fails to escalate the application within the
226 required time period, the waiver request shall be deemed
227 denied with finality and closed by the City
228
229

230 3. City Commission review.
231

- 232 a. The commission shall review waiver requests associated with major
233 development applications, those applications requiring commission
234 approval, and any appeals from the planning and zoning board.
235
236 b. The commission shall act only after receiving a recommendation
237 from the planning and zoning board on the waiver request.
238
239 c. The commission shall make the final determination to approve,
240 approve with conditions, or deny the waiver.
241

242
243 (e) Approval criteria. A waiver may be approved if the approving authority finds that:
244

- 245 1. The waiver will not significantly inhibit neighborhood or structural
246 improvement efforts;
247
248 2. The waiver will adequately provide for service areas and other necessary
249 development features for the project;
250
251 3. The waiver will not impede service or emergency vehicle access;

- 252
253
254
255
256
257
258
4. The waiver will not reduce visibility of access to the property or surrounding areas;
 5. The waiver will generally provide the minimum modification necessary to achieve the intended relief;
 - 259
260
261
262
263
264
265
266
267
268
269
270
271
272
273
274
275
276
277
278
279
280
281
282
283
284
 6. The waiver will not be injurious to or incompatible with adjacent properties, the surrounding neighborhood, or otherwise detrimental to the public welfare;
 7. The waiver is generally consistent with the intent and purpose of this chapter and the City's Comprehensive Plan;
 8. The waiver will not permit a use otherwise prohibited in the zoning district;
 9. The waiver supports innovative or flexible design solutions that further the goals of this chapter, including but not limited to enhanced architectural design, sustainable development, or improved site functionality;
 10. The waiver generally addresses practical difficulties or challenges that would arise from strict enforcement of the provisions of this chapter.
- (f) Conditions. In granting a waiver, the approving authority may impose reasonable conditions and safeguards, including but not limited to:
1. Time limits within which the action for which the waiver is required must begin or be completed;
 2. Requirements for design, materials, or site features to ensure compliance with the intent of this chapter.
 3. Violation of such conditions shall be deemed a violation of this chapter.
- (g) Expiration. A waiver granted under this section shall automatically expire if:
1. A building permit is not issued within six months of the waiver approval (or any final court order affirming approval);
 2. Work is not completed and a certificate of occupancy is not issued under an active permit; or
 3. The permit issued in reliance on the waiver expires or is revoked, and the original time period for obtaining a permit has lapsed.
- A one-time extension of up to one (1) year may be granted by the director upon written request filed prior to the approval expiration.
- 296
297
298

SECTION 4. Text Amendment to the Zoning and Land Development Code.

Chapter 32, Article IX “Notice Requirements” Section 32-1003 is hereby amended to read as follows:

Sec. 32-~~970~~971-32-1000 – Reserved

Section 3

Chapter 32 – ZONING AND LAND DEVELOPMENT CODE

ARTICLE IX. – NOTICE REQUIREMENTS

Sec. 32-1003 – Hearing Notice Requirements.

The following table generally identifies when and what type of public notice shall be required and the minimum number of days prior to each meeting/hearing said notice shall be made as additional requirements may be required per Florida Statutes:

Proposed Action	Published Notice (Minimum number of days prior to each scheduled meeting/hearing)	Mailed Notice (Minimum number of days prior to the first scheduled meeting/hearing)	Posted Notice (Minimum number of days prior to the first scheduled meeting/hearing)
Major development	10 days prior	10 days prior	10 days prior
Future Land Use Map (FLUM) amendment	10 days prior	10 days prior	10 days prior
Rezoning	10 days prior	10 days prior	10 days prior
Plat and plat note amendment	10 days prior	N/A	N/A
Vacations of right-of-way or easement	10 days prior	10 days prior	10 days prior
Comprehensive Plan text amendment	10 days prior	N/A	N/A

Proposed Action	Published Notice (Minimum number of days prior to each scheduled meeting/hearing)	Mailed Notice (Minimum number of days prior to the first scheduled meeting/hearing)	Posted Notice (Minimum number of days prior to the first scheduled meeting/hearing)
Zoning Code text amendment	10 days prior	N/A	N/A
Conditional use	10 days prior	10 days prior	10 days prior
Variance/redevelopment area modifications	10 days prior	10 days prior	10 days prior
Neighborhood compatibility meeting	10 days prior	10 days prior	10 days prior
Affordable Housing Bonus Density Allocation	10 days prior	10 days prior	N/A
<u>Waiver – Planning and Zoning Board Review</u>	<u>10 days prior</u>	<u>10 days prior</u>	<u>10 days prior</u>
<u>Waiver – City Commission Review</u>	<u>10 days prior</u>	<u>10 days prior</u>	<u>10 days prior</u>

SECTION 5. Conflict. All ordinances, parts of ordinances, resolutions, or parts of resolutions in conflict herewith are hereby repealed, to the extent of the conflict.

SECTION 6. Severability. Should any provision of this Ordinance be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of this Ordinance as a whole or any portion thereof, other than the part that is declared to be invalid.

SECTION 7. Codification. It is the intention of the Mayor and City Commission that the provisions of this ordinance be incorporated into the Code of Ordinances; to effect such intention the words "ordinance" or "section" may be changed to other appropriate words.

SECTION 8. Effective Date. This Ordinance shall take effect immediately upon its passage and adoption.

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

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

JOY F. COOPER
MAYOR

SPONSORED BY: CITY ADMINISTRATION
ATTEST:

JENORGEN GUILLEN
CITY CLERK

APPROVED AS TO LEGAL SUFFICIENCY
FORM

JENNIFER MERINO
CITY ATTORNEY