



## City of Hallandale Beach City Commission Agenda Cover Memo

Meeting Date:	Item Type:		1 <sup>st</sup> Reading	2 <sup>nd</sup> Reading
<b>4/10/2024</b>	<input type="checkbox"/> Resolution <input checked="" type="checkbox"/> Ordinance <input type="checkbox"/> Other	Ordinance Reading	<b>2/21/2024</b>	<b>4/10/2024</b>
File No.:		Public Hearing	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
<b>24-021</b>		Advertising Required	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
		Quasi-Judicial:	<input type="checkbox"/>	<input type="checkbox"/>
Fiscal Impact (\$):	Account Balance (\$):	Funding Source:	Project Number:	
N/A	N/A	N/A	N/A	
Contract/P.O. Required	RFP/RFQ/Bid Number:	Sponsor Name:	Department:	
<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	N/A	<b>Vanessa Leroy, Director</b>	<b>Sustainable Development</b>	
Strategic Plan Focus Areas:				
<input type="checkbox"/> Finance & Budget		<input checked="" type="checkbox"/> Organizational Capacity		<input type="checkbox"/> Infrastructure/Projects
Implementation Timeline:				
Estimated Start Date: 2/21/2024    Estimated End Date: Upon Adoption				

**SHORT TITLE:**

**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; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.**

**STAFF SUMMARY:**

**Summary:**

The Department of Sustainable Development is proposing a code amendment to provide regulations to permit Accessory Dwelling Units (ADU) for properties containing residential single-family homes. Staff have been evaluating the applicability of these regulations for some time,

particularly concerning the creation of affordable housing options, and are already working on proposed code revisions. The advancement of this process was driven by Vice Mayor Anabelle Lima-Taub's recommendation to create additional housing options addressing affordability within the City. Not only did the Vice Mayor make the creation of the ADU a significant initiative, but she also contributed important information and research from other jurisdictions that had implemented similar ADU regulations. Her efforts and those of the staff have culminated in the proposed ADU ordinance.

Staff seeks City Commission approval of the proposed Ordinance.

**Background:**

Florida Statutes 163.31771 titled Accessory dwelling units identifies the need for additional affordable housing options available to extremely-low, very-low, low, and moderate-income persons in urban areas by stating "...that the median price of homes in this state has increased steadily over the last decade and at a greater rate of increase than the median income in many urban areas" resulting in a shortage of affordable rentals "...constituting a threat to the health, safety, and welfare of the residents of the state." In the interest of public purpose, the Legislature has provided municipalities with the ability to allow ADUs in single-family residential areas for the purpose of increasing affordable housing opportunities.

"Extremely-low-income persons" means one or more natural persons or a family whose total annual household income does not exceed 30 percent of the median annual adjusted gross income for households within the state.

"Very-low-income persons" means one or more natural persons or a family, not including students, the total annual adjusted gross household income of which does not exceed 50 percent of the median annual adjusted gross income for households within the state.

"Low-income persons" means one or more natural persons or a family, the total annual adjusted gross household income of which does not exceed 80 percent of the median annual adjusted gross income for households within the state.

"Moderate-income persons" means one or more natural persons or a family, the total annual adjusted gross household income of which is less than 120 percent of the median annual adjusted gross income for households within the state.

On October 25, 2023, the Planning and Zoning Board reviewed the proposed code amendment and unanimously voted to table the item at the next Board meeting. The Board suggested changes related to the permitted height of an ADU and minor language changes for clarity. Furthermore, the Board expressed concerns regarding the affordable housing requirement for ADUs. Subject to the Broward County Land Use Plan (Exhibit 3), ADUs may only be excluded from density calculations if they are made affordable as required by Florida Statute 163.31771; otherwise, as per the Broward County Land Use Plan, an ADU would be restricted to 500 square feet to be counted as 0.5 dwelling unit (Exhibit 4). For the majority of properties in the City, an ADU could not be achieved at 0.5 dwelling units. Additionally, the Board suggested restricting the primary dwelling from being used as a vacation rental in addition to the ADU; however, following discussion with the City Attorney's office, the City is preempted from doing this by State Statutes.

On November 29, 2023, the Planning and Zoning Board reviewed the proposed code amendment and recommended the City Commission adopt the proposed Ordinance by a vote of 5 to 0 with recommendations that are reflected in the attached ordinance. The Board also made a

recommendation to restrict the height of a detached ADU to the height of the primary dwelling, except when necessary to comply with floodplain requirements.

On February 21, 2024, the City Commission passed the item on first reading, requesting that, for the second reading, Staff bring forth alternatives to address the concerns regarding reduced setbacks for ADUs. As such, Staff evaluated the proposed regulations to address the City Commission's concerns and determined that eliminating the by-right setback reduction for the side interior yard would not be detrimental to the intent and purpose of the proposed regulations. Staff recommends that the proposed rear yard setback reduction be maintained, however, this reduction would not apply to waterfront properties. Additionally, the reduced setback for the rear yard shall not be eligible for an administrative variance.

Upon further Staff discussion after first reading, the proposed draft ordinance was amended to ensure ADUs are made available to the most vulnerable populations and truly provide affordable housing options. As such, the proposed ordinance has been modified to require that ADUs are rented to persons with an income not exceeding 50 percent of the Area Median Income (AMI).

### **Current Situation:**

In agreement with and empowered by State legislature, the Department of Sustainable Development has drafted the attached ordinance to allow ADUs for single-family dwellings where single-family is permitted within the City and provide regulations to manage the construction and use of ADUs. An ADU shall be defined as an ancillary or secondary living unit that has a separate kitchen, bathroom, and sleeping area existing within the same structure, or on the same lot, as the primary dwelling unit.

As use and development trends begin to evolve, the City must amend the regulations from time to time to be forward-thinking and consistent with changing times, population increases, and emerging housing issues. The proposed code amendment incentivizes low-scale affordable housing development while providing additional rental income for single-family dwelling property owners. The regulations work to ensure that ADUs are developed in a manner that protects the character and integrity of single-family dwellings and areas through requirements for design and development. Allowing ADUs for single-family dwellings could further encourage property enhancement and reinvestment opportunities.

### **Analysis**

The attached proposed ordinance (Exhibit 1) adds Section 32-244 to the Zoning and Land Development Code summarized below:

1. Removes duplicative definitions of applicable terms and regulations.
2. Defines accessory dwelling units and other applicable terms.
3. Limits one ADU per property, for single-family dwellings in districts where single-family residential use is permitted and for legal non-conforming single-family dwellings.
4. Prohibits ADUs from being used as vacation rentals.
5. Allows detached or attached structures and converted interior spaces to be used as ADUs.
6. Provides development and design requirements including but not limited to parking, unit sizes, setbacks, location, and architectural characteristics.

7. Allows reduced rear setbacks for ADUs.
8. Allows increased lot coverage maximum for ADUs.
9. Promotes compatibility with the existing primary dwelling.
10. Prohibits the use of recreational vehicles, travel trailers, mobile houses, or similar structures as an ADU.
11. Provides standards for the legalization of existing structures.
12. Requires a recorded restrictive covenant which attests that the unit will be rented at an affordable rate as defined by Florida Statutes and that the ADU shall not be sold separately, nor the land subdivided.
13. Requires building permit and compliance with Certificate of Use process.
14. Requires ADUs are rented to persons with an income not exceeding 50 percent of the AMI.

### **Business Impact Estimate**

As per 166.041(4)(c), this item is exempt from providing a business impact estimate as it is an ordinance enacted to implement Part II of Chapter 163, relating to growth policy, county and municipal planning, and land development regulation, including zoning, development orders, development agreements, and development permits.

### **Why Action is Necessary:**

Pursuant to Article V, Division I, Section 5.01 of the City of Hallandale Beach Charter, a City Ordinance is required to amend an existing Ordinance.

### **Cost Benefit:**

While there are no direct costs associated with the proposed ordinance, the proposed code changes will accommodate continued efforts to enhance and revitalize the City of Hallandale Beach consistent with the City's Comprehensive Plan, Housing Element, and Future Land Use Element and will improve the overall quality of life for citizens within the City of Hallandale Beach. The changes also support affordable housing efforts while maximizing the use of property.


## **PROPOSED ACTION:**

Staff recommends the City Commission adopt the proposed Ordinance.


## **ATTACHMENT(S):**

- Exhibit 1 – Ordinance
- Exhibit 2 – Florida Statute 163.31771 Accessory Dwelling Units
- Exhibit 3 – Broward County Land Use Plan Density Exception
- Exhibit 4 – Broward County Land Use Plan Half Unit Density
- Exhibit 5 – November 29, 2023, Planning and Zoning Board Cover Memo
- Exhibit 6 – October 25, 2023, Planning and Zoning Board Minutes

Exhibit 7 – November 29, 2023, Planning and Zoning Board Minutes  
Exhibit 8 – Presentation

Prepared By:   
Deandrea Moise, AICP  
Principal Planner

Reviewed By: *Christy Dominguez*  
Christy Dominguez  
Planning & Zoning Manager

Reviewed By:   
Steven Williams  
DSD Assistant Director

Reviewed By: *Vanessa Leroy*  
Vanessa Leroy  
DSD Director

Reviewed By: *Noemy Sandoval*  
Noemy Sandoval  
Assistant City Manager