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AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF HALLANDALE BEACH, FLORIDA, AMENDING CHAPTER 32, ZONING AND LAND DEVELOPMENT CODE, DIVISION 2, ZONING DISTRICTS AND OVERLAYS, SUBDIVISION I, CONVENTIONAL ZONING DISTRICTS, AND ARTICLE III, ZONING, DIVISION 3, FORM-BASED ZONING DISTRICTS; PROVIDING FOR AFFORDABLE HOUSING REQUIREMENTS; PROVIDING FOR CONFLICT; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, pursuant to House Bill 7103, effective July 1, 2019, Section 125.01055 and Section 166.04151 of the Florida Statutes, an ordinance may require a developer to provide a specified number or percentage of affordable housing units to be included in a development or allow a developer to contribute to a housing fund or other alternatives in lieu of building the affordable housing units, provided that in exchange, incentives to fully offset all costs to the developer of its affordable housing contributions are provided; and

WHEREAS, such incentives may include allowing the developer density or intensity bonus incentives or greater floor space than what is allowed under the current or proposed future land use designation or zoning; and

WHEREAS, Policy 2.16 of the Broward County Land Use Plan (BCLUP) requires local governments to establish programs to provide, encourage, or enable low- and moderate-income housing to meet the needs of the County's existing and future residential population and economic activities; and

WHEREAS, Broward County Administrative Rules will use a requirement of 15% of additional project housing units as a default guideline for an affordable housing standard within proposed residential development subject to BCLUP Policy 2.16.2; and

WHEREAS, pursuant to Objective 4-1.1 of the City of Hallandale Beach Comprehensive Plan Housing Element the City shall provide for adequate and affordable housing for current and future residents of the City of Hallandale Beach; and

WHEREAS, pursuant to Policy 1.9.7 of the City of Hallandale Beach Comprehensive Plan Land Use Element, the Regional Activity Center (RAC) shall include opportunities to address the affordable/workforce housing needs of the city; and

WHEREAS, the City's current practice is to require 15% of all residential units proposed in developments requesting additional density in certain sub-districts of the Central RAC as workforce housing or a contribution to the city's affordable housing fund; and

WHEREAS, the provisions for, and process of allocating RAC units currently apply to the Central and West RAC zoning districts and subdistricts; and

40 **WHEREAS**, the City Commission has determined that it is in the best interest of the
41 citizenry and general public to promote the provision of affordable housing opportunities within
42 the City.

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

45 **SECTION 1.** Chapter 32, Zoning and Land Development Code, Division 3, Form-Based
46 Zoning Districts, is hereby amended to read as:

47 **CHAPTER 32, ZONING AND LAND DEVELOPMENT CODE**

48 ***

49 **DIVISION 3. - FORM-BASED ZONING DISTRICTS**

50 **Subdivision I. - Central RAC District**

51 **Sec. 32-191. - Purpose and intent.**

52 The purpose and intent of the Central RAC district is to guide the redevelopment of land
53 within the boundaries of the RAC land use category on the comprehensive plan's future land
54 use map and the surrounding properties into a vibrant area that:

- 55 (a) Provides a mix of uses within a pedestrian-friendly environment to meet the daily needs
56 of workers, residents, and visitors;
- 57 (b) Encourages higher densities and intensities within a half-mile of the planned commuter
58 rail station;
- 59 (c) Establishes a desirable residential location with a variety of housing types, including
60 affordable housing units, to accommodate a diverse population;
- 61 (d) Promotes the optimum use of transit by maintaining and enhancing a continuous, inter-
62 connected network of pedestrian- and bicycle-friendly streets that effectively links
63 transit stations, bike routes, sidewalks, buildings, and open spaces;
- 64 (e) Provides public open space in the form of parks, plazas, and greens; and
- 65 (f) Encourages investment by accommodating new development at a range of scales
66 including individual infill buildings and large redevelopment projects.

67 ***

68 **Sec. 32-195. - RAC Corridor subdistrict standards.**

- 69 (d) *Building uses and density.*

70 ***

- 71 (3) *Base density.* The base density in Table 32-195(a) is the number of dwelling units
72 allowed per acre.
- 73 (4) *Maximum density.* The maximum density in Table 32-195(a) is the number of dwelling
74 units allowed per acre based upon all the following performance criteria and the
75 approval process set forth in sections 32-205 and 32-206:
 - 76 a. For density up to 70 du/ac, projects shall:
 - 77 1. Provide a total of 7.5 percent of the site, or the portion of the site proposed for
78 development in a multi-phased project, as civic open space(s);
 - 79 2. Provide at least 15 percent of the project's residential units as affordable
80 housing or contribute to the city's affordable housing fund; and

23. Fully conceal parking garage levels on secondary streets at the sidewalk level for a depth of at least 20 feet by a story containing active use(s), such as residential, office, or retail; and

34. Provide street/streetscape improvements consistent with the city's complete streets efforts, on both sides of adjacent rights-of-way.

b. For density up to 90 du/ac, in addition to the criteria in (d)(4)(a), projects shall:

1. Provide at least 15 percent of the project's residential units as ~~workforce~~ affordable housing or contribute to the city's affordable housing fund; and

2. Provide at least 10 percent more parking than the amount required, accessible to the general public on an hourly or daily basis, with a fee to be determined by the owner.

Sec. 32-196. - Transit Core subdistrict standards.

(d) *Building uses and density.*

(3) *Base density.* The base density in Table 32-196(a) is the number of dwelling units allowed per acre.

(4) *Maximum density.* The maximum density in Table 32-196(a) is the number of dwelling units allowed per acre based upon all the following performance criteria and the approval processes set forth in sections 32-205 and 32-206:

a. Provide a total of 7.5 percent of the site, or the portion of the site proposed for development in a multi-phased project, as civic open space(s);

b. Provide at least 15 percent of the project's residential units as affordable housing or contribute to the city's affordable housing fund; and

bc. Fully concealed parking garage levels on secondary streets at the sidewalk level for a minimum depth of 20 feet with a story containing active uses, such as residential, office, or retail, and

ed. Provide street/streetscape improvements consistent with the city's complete streets efforts, on both sides of adjacent rights-of-way.

Sec. 32-197. - RAC Neighborhood subdistrict standards.

(d) *Building uses and density.*

(3) *Base density.* The base density in Table 32-197(a) is the number of dwelling units allowed per acre.

(4) *Accessory dwellings.* Each house may have one accessory dwelling. Accessory dwellings are not considered dwelling units for the purposes of calculating density. Accessory dwellings shall meet the following criteria:

a. Shall not exceed 625 square feet.

b. Shall not exceed two stories in height.

c. If located in an accessory structure, the structure shall meet the side and rear building setbacks, be separated at least ten feet from the main house, and be set back at least 20 feet from the front building facade.

d. Must provide one parking space either on site or on-street located directly in front of the property line(s) if feasible and approved by the public works director.

e. May not be leased unless the property owner resides within the house located on the same property and all necessary city licenses are obtained.

(5) *Maximum density.* The maximum density in Table 32-197(a) is the number of dwelling units allowed per acre based upon the following performance criteria and the approval processes set forth in sections 32-205 and 32-206:

a. Development shall be in the form of townhouses, apartment houses, or courtyard buildings, and

b. All parking areas shall be located to the rear or the side of buildings. Parking facilities may be designed so that vehicles back into a public alley, but shall not allow vehicles to back into a street; and

c. Provide at least 15 percent of the project's residential units as affordable housing or contribute to the city's affordable housing fund.

Sec. 32-198. - Transitional Mixed-Use subdistrict standards.

(d) *Building uses and density.*

(3) *Base density.* The base density in Table 32-198(a) is the number of dwelling units allowed per acre.

(4) *Maximum density.* The maximum density in Table 32-198(a) is the number of dwelling units allowed per acre based upon the approval processes set forth in sections 32-205 and 32-206.

a. Provide at least 15 percent of the project's residential units as affordable housing or contribute to the city's affordable housing fund; and

Sec. 32-199. - Fashion/Art/Design subdistrict standards.

(d) *Building uses and density.*

(1) *Buildings exceeding maximum height or density.* The maximum building height is 4 stories. The maximum density in Table 32-199(a) is the number of dwelling units allowed per acre based upon the approval processes set forth in sections 32-205 and 32-206. Buildings which meet all of the following criteria may build up to eight stories in height and to the maximum density specified in Table 199(a):

g. Provide at least 15 percent of the project's residential units as affordable housing or contribute to the city's affordable housing fund

162 **Sec. 32-200. - Greyhound track subdistrict standards.**

163 (d) *Buildings uses and density.*

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165 (3) *Base density.* The base density in Table 32-200(a) is the number of dwelling units
166 allowed per acre.

167 (4) *Maximum density.* The maximum density in Table 32-200(a) is the number of dwelling
168 units allowed per acre based upon all the following performance criteria and the
169 approval process set forth in sections 32-205, approval processes, and 32-206, RAC
170 density allocation standards:

171 a. For density up to 70 du/ac, projects shall:

172 1. Provide a total of seven and one-half percent of the site, or the portion of the
173 site proposed for development in a multi-phased project, as civic open
174 spaces(s); and

175 2. Provide at least 15 percent of the project's residential units as affordable
176 housing or contribute to the city's affordable housing fund; and

177 ~~23.~~ Fully conceal parking garage levels on secondary streets at the sidewalk level
178 for a depth of at least 20 feet by a story containing active use(s), such as
179 residential office, or retail; and

180 ~~34.~~ Provide street/streetscape improvements consistent with the city's complete
181 streets efforts, on both sides of adjacent rights-of-way.

182 b. For density up to 90 du/ac, in addition to the criteria in (d)(4)(a), projects shall:

183 1. Provide at least 15 percent of the project's residential units as ~~workforce~~
184 affordable housing or contribute to the city's affordable housing fund; and

185 2. Provide at least ten percent more parking than the amount required, accessible
186 to the general public on an hourly or daily basis, with a fee to be determined
187 by the owner in consultation with the city manager.
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190 **Sec. 32-206. - RAC density allocation standards.**

191 (c) RAC density allocation. The Hallandale Beach Comprehensive Plan and the Broward
192 County Land Use Plan limit the total number of dwelling units within the RAC. The city
193 commission has established the following density allocation procedures to ensure the
194 equitable allocation of the remaining dwelling units in accordance with both plans.

195 (1) These procedures must be followed for development applications that would exceed
196 the base density in a Central RAC subdistrict. Individual subdistricts provide
197 performance criteria that must also be met to qualify for density levels above the
198 specified base density.

199 (2) These procedures must also be followed for RAC development applications outside
200 the Central RAC zoning district where additional density is allowed by the zoning
201 district or through rezoning to a district that allows a higher density.

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

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

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

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

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

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

SECTION 2. Conflict. All ordinances or portions of the Code of Ordinances of the City of Hallandale Beach in Conflict with the provisions of this ordinance shall be repealed to the extent of such conflict.

SECTION 3. Severability. Should any provision of this ordinance be declared by a court of competent jurisdiction to be invalid, the same shall not affect the validity of the ordinance as a whole, or any part thereof, other than the part declared to be invalid.

SECTION 4. 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 5. Effective Date. This Ordinance shall take effect immediately upon adoption.

PASSED AND ADOPTED on 1st reading on November ____, 2020.

240 PASSED AND ADOPTED on 2nd reading on December ____, 2020.

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245 SPONSORED BY: CITY ADMINISTRATION

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247 ATTEST:

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251 JENORGEN GUILLEN, CMC

252 CITY CLERK

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254 APPROVED AS TO LEGAL SUFFICIENCY

255 AND FORM

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258 JENNIFER MERINO

259 CITY ATTORNEY

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JOY COOPER
MAYOR