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A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF HALLANDALE BEACH, FLORIDA, CONSIDERING THE APPLICATION BY MALTESE DIPLOMAT OWNER, LLC, REQUESTING A VARIANCE FROM SECTION 32-153(g)(2) OF THE CITY'S LAND DEVELOPMENT CODE FOR IMPROVEMENTS TO THE ACCESSORY MARINA AT THE SHELL BAY RESORT LOCATED AT 500 DIPLOMAT PARKWAY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Applicant, Maltese Diplomat Owner, LLC, has filed an Application with the City of Hallandale Beach (“City”) requesting a variance from Section 32-153(g)(2) of the City of Hallandale Beach (“City”) Land Development Code (the “Code”) for improvements to the accessory marina at the Shell Bay Resort (formerly known as the Diplomat Hotel and Country Club), located at 501 Diplomat Parkway (the “Property”); and

WHEREAS, the Property described herein is zoned CR-P (Commercial Recreational (Passive) district) and is located within the Recreation Future Land Use Map (FLUM) category; and

WHEREAS, the Applicant proposes to expand the docks at the marina to project a maximum of 72'-10" into the adjacent waterway; and

WHEREAS, pursuant to Section 32-153(g)(2) of the Land Development Code, boat slips and docks for an accessory marina shall not project more than 15% or 30 feet into the waterway, whichever is less; and

WHEREAS, based on the foregoing, Applicant has requested a variance from Section 32-153(g)(2) of the Land Development Code; and

WHEREAS, pursuant to Code Section 32-965, the City Commission of the City of Hallandale Beach (the “City Commission”) is allowed to grant a variance for the accessory docks where, due to special conditions and circumstances which are peculiar to the land, structure or building involved, a literal enforcement of the provisions of this division will result in unnecessary and undue hardships to the applicant; and

35
36 **WHEREAS**, in order to authorize any variances under this subsection, the City
37 Commission must determine that the Application meets all the criteria set forth in Section
38 32-965 of the Land Development Code; and

39 **WHEREAS**, City Staff has evaluated the proposed variance request and
40 determined that the requested variance does not meet all the requisite criteria for granting
41 variances; and

42 **WHEREAS**, in considering the request, should the City Commission decide to
43 approve the variance, City Staff recommends that approval should be conditioned on the
44 following conditions listed and set forth in Exhibit "1-A" hereto.

45
46 **NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND THE CITY**
47 **COMMISSION OF THE CITY OF HALLANDALE BEACH, FLORIDA:**

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49 **SECTION 1. Incorporation of Recitals.** The foregoing "whereas" clauses are
50 incorporated herein.

51 **SECTION 2. Findings.**

52 Based upon substantial competent evidence presented on the record at the public
53 hearing, the City Commission hereby makes the following findings:

- 54 a. Special conditions and circumstances exist which are peculiar to the land,
55 structure or building involved, and which are not generally applicable to other
56 lands, structures or building in the same zoning district.
- 57 b. The special conditions and circumstances do not result from the actions of the
58 applicant.
- 59 c. Granting the variance requested will not confer on the applicant any special
60 privilege that is denied by this chapter to other lands, buildings or structures in
61 the same district.
- 62 d. Literal interpretation of the provisions of this chapter would deprive the
63 applicant of the rights commonly enjoyed by the properties in the same zoning

64 district under the terms of this chapter and would work unnecessary and undue
65 hardships on the applicant.

66 e. The variance granted is the minimum variance that will make possible the
67 reasonable use of the land, building or structure.

68 f. The grant of the variance will be in harmony with the general intent and purpose
69 of this chapter.

70 g. Such variance will not be injurious to the area involved or otherwise detrimental
71 to the public welfare.

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73 **SECTION 3. Approval With Conditions of Variance Application.**

74 Based on substantial competent evidence presented at the public hearing,
75 including, but not limited to, the Agenda Cover Memo and staff presentation, any
76 materials presented by the applicant and the sworn testimony of staff, the applicant and
77 any experts, the Mayor and the City Commission of the City of Hallandale Beach, Florida,
78 hereby find that the application **(is / is not)** in compliance with the criteria applicable to
79 Section 32-965 of the Zoning and Land Development Code and does hereby **approve /**
80 **deny / approve with conditions**, subject to the conditions enumerated in Exhibit "1-A"
81 attached.

82
83 **SECTION 4. Effective Date.** This resolution shall be effective immediately upon
84 its adoption.

85
86 APPROVED and ADOPTED this ___ day of February 2025.

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91 JOY F. COOPER
92 MAYOR

93 SPONSORED BY: CITY ADMINISTRATION
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ATTEST:

JENORGEN M. GUILLEN, CMC
CITY CLERK

APPROVED AS TO LEGAL SUFFICIENCY
AND FORM

JENNIFER MERINO
CITY ATTORNEY

Exhibit "1-A"

Variance Request – Maltese Diplomat Owner, LLC
(Shell Bay Resort Marina)

Approval of the above-referenced Application #V-24-326 is hereby subject to the following conditions of approval:

1. The variance granted for the expansion of the proposed docks shall apply only to the docks in that portion of the property that is zoned CR-P District.
2. The Restrictive Covenant governing the marina under the Conditional Use Permit per Application #60-94-CU shall be amended to reflect the Commission's action under this application and the limitations of the approval to the portion of the property presently zoned CR-P District.