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WHEREAS, pursuant to Chapter 32, Article V, of the City of Hallandale Beach (“City”) Land Development Code 9the “Code”), all applications for a development permit within the City shall be subject to development review procedures, including both site plan review and impact evaluation; and

WHEREAS, in accordance with Section 32-783 of the Code, all applications for both minor and major developments, including required site plans and impact evaluation statements, shall be submitted by the applicant to the Development Services Director ("Director") , who shall review them to ascertain their compliance with all applicable laws, ordinances and regulations; and

WHEREAS, after review by the City's Planning and Zoning Board, the Director, upon receipt of the written report of the Planning and Zoning Board, shall transmit the application to the City Commission of the City of Hallandale Beach (the "City Commission") for action on the next available agenda; and

WHEREAS, pursuant to Sec 32-783, the City Commission has the option to grant conditional approval or modification of the application, attaching whatever reasonable conditions or requirements that the City Commission deems necessary to ensure compliance with these standards or maximum mitigation of the adverse impacts of the development; and

WHEREAS, City staff has recommended that the provisions of Section 32-783 be amended to provide further clarity related to the provisions for the City Commission granting ; conditional approval; and

WHEREAS, the Mayor and City Commission have determined that it is in the best interest of the residents to amend the Zoning and Land Development Code as set forth herein.

**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. **Amendment.** The following sections within Chapter 32, Article III of the City of Hallandale Beach Code of Ordinances, Section 32-783 is hereby amended and revised as follows:

Chapter 32 – ZONING AND LAND DEVELOPMENT CODE

ARTICLE V. – DEVELOPMENT REVIEW PROCEDURES

Sec. 32-783. Review procedures.

(a) *Staff review.*

- (1) All applications for both minor and major developments, including required site plans and impact evaluation statements, shall be submitted by the applicant to the director, who shall review them to ascertain their compliance with all applicable laws, ordinances and regulations. The directors shall transmit copies of relevant materials to those other departments and agencies, as appropriate, in order to perform a complete review, including but not limited to the police, fire, parks, engineering, utilities and finance departments.
- (2) The director shall notify all adjacent units of local government within a 1,000-foot radius of any proposed major development that such a review is underway and solicit their input and recommendations.

(b) *Staff action.* The director shall have 60 calendar days from the date an application is filed to render a final decision on a minor development. Any aggrieved applicant shall have 14 calendar days from the date of that administrative decision to appeal to the city commission, in which event the city commission may proceed as specified in subsection (e) of this section.

(c) *Board review.*

- (1) Applications for major development shall be transmitted within 90 days from the date an application in final form with all supporting documents is filed with the director, to the planning and zoning board for its review and consideration. The director shall include with that transmittal a written report and recommendation; and that transmittal should include, without limitation, all pertinent documents submitted by the applicant, reports of the reviewing city departments, and any other applicable documentation or graphic.

(2) An applicant may amend or modify the submitted application but in such case the time period for transmittal shall run from the director's receipt of the application as amended or modified.

(d) *Board action.* The planning and zoning board shall recommend to the city commission, within 120 days from the receipt of the director's transmittal and recommendation, that the proposed development be approved, approved with modifications or conditions, or denied. Extensions may be granted by the city commission upon the written request of the board for good cause. The board shall summarize the reasons for its advisory recommendations in a written report which shall be transmitted to the city commission through the director.

(e) *City commission action.* The director, upon receipt of the written report of the board, shall transmit the application to the city commission and place the item on the next available regular agenda. That transmittal may include, without limitations, all pertinent documents submitted by the applicant, the director's report and recommendation, the board report and any other applicable documentation or graphic. The city clerk shall keep all this material as part of the public record of the city commission. If the city commission determines that a proposed major development, together with other developments in the impact area, which have certificates of occupancy or valid building permits currently in effect, or for which capacity has been reserved, would not cause or result in a violation of the standards established by this article, and is in full compliance with other applicable laws, ordinances or regulations, then the city commission shall approve the application for development permit. If the city commission determines that the proposed development, together with other developments in the impact area, which have certificates of occupancy or valid building permits currently in effect, or for which capacity has been reserved, would cause or result in a violation of the standards established by this article, then the city commission may:

- (1) Deny the application;
- (2) Phase the application to ensure compliance with these standards;
- (3) Modify the application so that these standards are met; or
- (4) Grant conditional approval or modification of the application, attaching whatever reasonable conditions or requirements the city commission deems necessary to ensure compliance with these standards or maximum mitigation of the adverse impacts of the development.

(f) *Development conditions.* These conditions may include, without limitation, requiring the applicant, at his cost and expense, to:

- (1) Finance or dedicate land for public rights-of-way, easements, parks and open space, or school sites;
- (2) Finance or construct potable water, wastewater or drainage facilities; or
- (3) Any other reasonable condition necessary to ensure compliance with these standards prior to the issuance of a certificate of occupancy, if the applicant agrees in writing in a recordable agreement binding upon his successors and assigns, that no certificate of occupancy will be issued until the requirements of this article are met. Otherwise, all conditions must be satisfied prior to issuance of the development permit. Attachment of these conditions shall be voluntary on the part of the applicant; and agreement by the applicant to provide any conditions will not,

129 in any way, obligate the city to approve the subject application. Any conditional
130 approval shall be based solely on the fact that the development application, as
131 modified or conditioned, meets the standards of this article, and may not be based
132 solely on the granting of certain conditions deemed favorable by the city unless the
133 standards of this article are met.

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135 (4) Any representation made before any city board, any administrative board, or the
136 city commission in an application for a variance, special exception, conditional use
137 or request for any other permit shall be deemed a condition of the granting of the
138 permit. Should any representations be false or should said representation not be
139 continued as represented by the applicant, same shall be deemed a violation of
140 the permit conditions and a violation of this section.

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143 **SECTION 3. Conflict.** All ordinances, parts of ordinances, resolutions, or parts of
144 resolutions in conflict herewith are hereby repealed, to the extent of the conflict.

145 **SECTION 4. Severability.** Should any provision of this Ordinance be declared by a
146 court of competent jurisdiction to be invalid, such decision shall not affect the validity of this
147 Ordinance as a whole or any portion thereof, other than the part that is declared to be invalid.

148 **SECTION 5. Codification.** It is the intention of the Mayor and City Commission that
149 the provisions of this ordinance be incorporated into the Code of Ordinances; to effect such
150 intention the words "ordinance" or "section" may be changed to other appropriate words.

151 **SECTION 6. Effective Date.** This Ordinance shall take effect immediately upon its
152 passage and adoption.

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

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

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159 _____
160 JOY F. COOPER
161 MAYOR

162 SPONSORED BY: CITY ADMINISTRATION
163 ATTEST:

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165 _____
166 JENORGEN GUILLEN
167 CITY CLERK

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169 APPROVED AS TO LEGAL SUFFICIENCY
170 FORM

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173 JENNIFER MERINO
174 CITY ATTORNEY

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