



City of Hallandale Beach City Commission Agenda Cover Memo

Meeting Date:	File No.:	Item Type:	1 st Reading	2 nd Reading	
12/3/2025	25-463	<input type="checkbox"/> Resolution <input checked="" type="checkbox"/> Ordinance <input type="checkbox"/> Other	Ordinance Reading	12/3/2025	12/17/2025
			Public Hearing	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
			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 Required:	P.O. Required:	RFP/RFQ/Bid Number:	Sponsor Name:	Department:	
<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	N/A	Vanessa Leroy	Sustainable Development	
Strategic Plan Focus Areas:					
<input type="checkbox"/> Fiscal Stability	<input type="checkbox"/> Resident Services	<input type="checkbox"/> Public Safety	<input type="checkbox"/> Infrastructure & Mobility	<input type="checkbox"/> Economic Development & Affordable Housing	
Implementation Timeline:					
Estimated Start Date: 12/3/2025			Estimated End Date: 12/17/2025		

SHORT TITLE:

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

STAFF SUMMARY:

Summary:

The Department of Sustainable Development is proposing a code amendment to the Zoning and Land Development Code to create Section 32-970 – Waivers, and amend Section 32-8 – Definitions, and Article VIII. – Rezoning, Conditional Uses, Variances, and Zoning Relief Procedures.

Staff recommend that the City Commission consider and approve the proposed ordinance.

Background:

The City's Zoning and Land Development Code (the "Code") currently identifies variances as the primary mechanism for providing relief from zoning regulations. A variance allows for the relaxation of specific dimensional or area-based requirements (such as setbacks, building height, and lot coverage) in cases where strict application of the code would impose an unnecessary hardship on the property owner. To be eligible for a variance, applicants must demonstrate that the request stems from a unique condition inherent to the property, that the hardship is not self-imposed, and that approval of the variance would not be detrimental to the public interest or to adjacent properties.

In addition to variances, the Code includes other tools such as Redevelopment Area Modifications (RAMs) to provide for modifications of specific Code requirements. These are available only within designated districts and are subject to certain criteria. RAMs offer enhanced flexibility by allowing for the modification of a broader array of development standards than variances typically permit. However, the use of RAMs is geographically limited to specific redevelopment or special planning areas, thereby restricting their applicability citywide.

On October 16, 2025, the Planning and Zoning Board considered the proposed code amendment to the Zoning and Land Development Code to create Section 32-970 – Waivers, and amend Section 32-8 – Definitions, and Article VIII. – Rezoning, Conditional Uses, Variances, and Zoning Relief Procedures. The Board recommended approval of the application by a 5-0 vote, with a recommendation that language be added to the ordinance clarifying that the approval of a waiver does not set a precedent for future applications.

The Planning and Zoning Board Agenda Cover Memo and Meeting Minutes are attached as Exhibits 2 and 3, respectively.

Current Situation:

To address this limitation and promote more adaptable land use regulations across the entire city, the proposed ordinance introduces a new framework for zoning relief that slightly mirrors the flexibility provided by RAMs but is applicable throughout all zoning districts. This framework is designed to expand the tools available for addressing site-specific challenges without compromising the core principles of the Zoning and Land Development Code.

Distinct from variances, the proposed ordinance provides for waivers, which apply to non-dimensional regulatory or procedural requirements. Waivers are intended to provide flexibility in situations where strict adherence to procedural standards would result in practical difficulties, constrain creative design solutions, or impede efficient development.

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. This not only alleviates pressure on the existing zoning relief mechanisms but also fosters a more responsive and efficient development review process.

Analysis

The attached proposed ordinance (Exhibit 1):

1. Amends Section 32-8 – Definitions, to provide for a definition of waivers as follows:

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

2. Creates Section 32-970 – Waivers.

- a. Provides for waivers to be granted at three levels:

- i. Administrative Review: The Director may grant waivers for all single-family developments and minor development applications that do not require board or commission approval.
 - ii. Board Review: The Planning and Zoning Board may grant waivers for minor development applications that require board approval.
 - iii. Commission Review: The City Commission may grant waivers for major development applications or any applications that otherwise require commission review and approval.

- b. Provides for approval criteria to determine whether the waiver is justifiable.

- c. Allows the approving authority to impose conditions and safeguards.

- d. Provides a timeframe for the expiration of waiver requests.

3. Amends Section 32-968 – Filing fees to:

- a. Provide authority to the City Manager to allow for a fee reduction when an application arises directly from an error, omission, or other actions of the City.
 - b. Clarifies the penalty for after-the-fact applications.

4. Amends Section 32-1003 to provide for notice requirements for waiver requests.

The allowance of waivers will facilitate the creation of innovative design solutions that are not contrary to public interest and are consistent with the intent and purpose of the chapter.

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.

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.

Cost Benefit:

While there is no direct cost associated with the proposed amendment, it supports the City's continued efforts to enhance and revitalize the City of Hallandale Beach consistent with the City's Comprehensive Plan.

PROPOSED ACTION:

The City Commission consider the attached Ordinance.

ATTACHMENT(S):

Exhibit 1 – Ordinance

Exhibit 2 – Planning and Zoning Board Agenda Cover Memo Dated October 16, 2025

Exhibit 3 – Planning and Zoning Board Meeting Minutes Dated October 16, 2025

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