



Hallandale Beach
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City of Hallandale Beach Planning and Zoning Board Agenda Cover Memo

Applicant:	City of Hallandale Beach	Meeting Date:	October 16, 2025
General Title:	Waivers	Application No.:	LDC-25-05925
Primary Application Type:	Zoning and Land Development Code Amendment	Additional Applications:	Not Applicable
Quasi-Judicial:	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Advertisement Type Required:	<input checked="" type="checkbox"/> Display <input type="checkbox"/> Regular <input type="checkbox"/> Not Applicable
Public Hearing:	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Workshop:	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Request:	Code amendment to the Zoning and Land Development regulations to create Section 32-970 - Waivers, allowing the City Commission, Planning and Zoning Board, or Director, depending on the level of review required, to approve waivers for procedural requirements other than dimensional standards, uses, building height, density and parking.		
Business Impact Estimate:	Exempt as per Florida Statute 166.041(4)(c)		
Staff Recommendation:	Sponsor Name:		
<input checked="" type="checkbox"/> Approve <input type="checkbox"/> Approve with Conditions <input type="checkbox"/> Deny	Vanessa J. Leroy, Department of Sustainable Development Director		
	Prepared By:		
	Destiny Fergerson, Associate Planner		

Short Title:

AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF HALLANDALE BEACH, FLORIDA, AMENDING ARTICLE I. - GENERAL PROVISIONS OF THE ZONING AND LAND DEVELOPMENT CODE SECTION 32-8 – DEFINITIONS; AMENDING ARTICLE VIII. – REZONING, CONDITIONAL USES, VARIANCES, ZONING RELIEF PROCEDURES, CREATING SECTION 32-970 WAIVERS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; 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 recommends that the Planning and Zoning Board forward a recommendation of approval to the City Commission.

Current Situation

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.

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 Section 2-102 of the City of Hallandale Beach Land Development Regulations, the Planning and Zoning Board shall review and make advisory recommendations to the City Commission on applications for text changes to the Zoning and Land Development Code.

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 Benefits

The proposed amendment supports the City's continued efforts to enhance and revitalize the City of Hallandale Beach consistent with the City's Comprehensive Plan.

Staff Recommendation:

Staff recommends the Planning and Zoning Board consider the proposed ordinance and forward a recommendation of approval to the City Commission.

Attachment(s):

Exhibit 1- Proposed Draft Ordinance

Reviewed by: Christy Dominguez
Christy Dominguez
Planning and Zoning

Approved by: Steven Williams
Steven Williams, AICP
Assistant DSD Director