

1 EXHIBIT 1

2 ORDINANCE NO. 2025-

3 AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF  
4 HALLANDALE BEACH, FLORIDA, AMENDING CHAPTER 32, ZONING AND  
5 LAND DEVELOPMENT CODE TO ESTABLISH PROVISIONS AND CRITERIA  
6 FOR WAIVERS; SPECIFICALLY AMENDING ARTICLE I. "GENERAL  
7 PROVISIONS" SECTIONS 32-8 "DEFINITIONS" TO PROVIDE DEFINITIONS  
8 FOR WAIVERS; AMENDING ARTICLE VIII "REZONING, CONDITIONAL USES,  
9 VARIANCES, ZONING RELIEF PROCEDURES" TO ESTABLISH SECTION 32-  
10 970 "WAIVERS"; PROVIDING FOR SEVERABILITY; PROVIDING FOR  
11 CONFLICTS; PROVIDING FOR CODIFICATION; AND PROVIDING FOR AN  
12 EFFECTIVE DATE.

13  
14 **Section 1**

15 Chapter 32 – ZONING AND LAND DEVELOPMENT CODE

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17 ARTICLE I. – GENERAL PROVISIONS

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19 DIVISION 1. – GENERALLY

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21 Sec. 32-8 – Definitions

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23 *Variance* means a relaxation of the area or dimensional requirements of this chapter where  
24 such variance will not be contrary to the public interest and where, owing to conditions  
25 peculiar to the property and not the result of the actions of the applicant, literal enforcement  
26 of this chapter would result in unnecessary and undue hardship.

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

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38 **Section 2**

39 Chapter 32 – ZONING AND LAND DEVELOPMENT CODE

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41 ARTICLE VIII. – REZONING, CONDITIONAL USES, VARIANCES, ZONING RELIEF  
42 PROCEDURES, AND WAIVERS

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46 Sec. 32-968 - Filing fees.

- 47 (a) All applications shall be accompanied by an official filing fee, which shall be  
48 used to defray expenses for administration, notices, and advertisements.  
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50 (b) The fees shall apply to all applications for land use plan amendments,  
51 rezonings, conditional uses and variances. Filing fees for development review  
52 approval are established by resolution and on file.  
53  
54 (c) After-the-fact applications. The penalty for an after-the-fact application shall be  
55 an amount equal to two times the filing fee.  
56  
57 (d) Fee Reduction. Where the requirement to file an application arises directly from  
58 an error, omission, or other action of the City, the Director may request a  
59 reduction of the filing fee to the City Manager. The City Manager shall have the  
60 final authority to approve, modify, or deny the request. Such a request shall:  
61  
62 1. Be made in writing to the City Manager with a description of the  
63 circumstances leading to the application;  
64  
65 2. Recommend the amount of reduction, up to one hundred percent  
66 (100%) of the City filing fee.  
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68 This provision applies only to City filing fees and shall not apply to any outside  
69 costs incurred by the applicant, including but not limited to legal, professional, or  
70 advertising.

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74 Sec. 32-970 – Waivers  
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- 76 (a) Authority. A waiver to the provisions of this chapter may be granted provided that  
77 such waiver will not be contrary to the public interest, and where literal enforcement  
78 would create practical difficulties or hinder innovative design solutions. A waiver  
79 request may be granted by the city commission, planning and zoning board, or  
80 director, depending on the level of review required by the associated development  
81 application, and as otherwise in compliance with this section.  
82  
83 1. The waiver procedures in the section apply to requests for waivers of  
84 development standards where no other specific waiver process is provided  
85 in this chapter.  
86  
87 2. Where this chapter establishes specific waiver, modification, or alternative  
88 compliance procedures for a particular standard, that procedure shall  
89 govern, and any conflicting provisions of this section shall not apply.  
90

91 (b) Levels of review. Waivers may be considered at three (3) levels consistent with the  
92 underlying development application submitted by the applicant:  
93

94 1. Administrative review. The sustainable development director may grant  
95 waivers in conjunction with minor development applications that do not  
96 otherwise require board or commission approval, and for all single-family  
97 residential developments.  
98

99 2. Board review. The planning and zoning board may grant waivers in  
100 conjunction with minor development applications that otherwise require  
101 board approval.  
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103 3. Commission review. The city commission may grant waivers in conjunction  
104 with major development applications or any applications that otherwise  
105 require commission review and approval.  
106

107 (c) Application. An application for a waiver shall be filed with the director on forms  
108 provided by the city and include:  
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110 1. Identification of the specific provision(s) of the Code from which relief is  
111 sought;  
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113 2. A narrative explaining the circumstances that justify the waiver, including  
114 how strict enforcement would create practical difficulties or hinder  
115 innovative design, as applicable;  
116

117 3. Supporting plans or documents as necessary to evaluate the request;  
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119 4. Disclosure of all parties in interest, signed and notarized by the applicant  
120 and property owner. If the applicant is not the property owner, the written  
121 consent of the owner shall be required; and  
122

123 5. Payment of applicable fees.  
124

125 (d) Review procedures and escalation.  
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127 1. Administrative review.  
128

129 a. The director shall review the request for compliance with  
130 subsection (e) (Approval Criteria).  
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132 b. Once the application is deemed to be complete, all property owners  
133 within 150 feet of the property will receive a courtesy notice of the  
134 request by first-class mail that sets forth the following:  
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1. Type and nature of administrative waiver being considered;
2. The place and time that the application may be reviewed; and
3. Notification that any protest by a noticed property owner will be required in writing within ten (10) working days from the date of the courtesy notice.

c. The director may approve, approve with conditions, or deny the waiver.

d. If the director denies the waiver or determines it warrants higher-level review, the applicant may either withdraw the application or escalate the waiver request to the planning and zoning board for consideration.

1. If the applicant decides to escalate the application, such a decision must be made in writing within ten (10) days of the director's formal decision.

2. The applicant shall not be responsible for any additional application fees, except for the cost of advertising the application for the board hearing.

3. If the applicant fails to either withdraw or escalate the application within the required time period, the waiver request shall be deemed denied with finality and closed by the City

## 2. Planning and Zoning Board review.

a. The board shall review waiver requests associated with minor developments requiring board approval, or those escalated from the director.

b. The board may approve, approve with conditions, or deny the waiver.

c. If the board denies the waiver, the applicant may escalate the application to the city commission for its consideration.

1. If the applicant decides to escalate the application, such a decision must be made in writing within ten (10) days of the Planning and Zoning Board hearing.

- 181                   2. The applicant shall not be responsible for any additional  
182                   application fees, except for the cost of advertising the  
183                   application for the commission hearing.  
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185                   3. If the applicant fails to escalate the application within the  
186                   required time period, the waiver request shall be deemed  
187                   denied with finality and closed by the City  
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190                   3. City Commission review.  
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- 192                   a. The commission shall review waiver requests associated with  
193                   major development applications, those applications requiring  
194                   commission approval, and any appeals from the planning and  
195                   zoning board.  
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197                   b. The commission shall act only after receiving a recommendation  
198                   from the planning and zoning board on the waiver request.  
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200                   c. The commission shall make the final determination to approve,  
201                   approve with conditions, or deny the waiver.  
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204                   (e) Approval criteria. A waiver may be approved if the approving authority finds that:  
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- 206                   1. The waiver will not significantly inhibit neighborhood or structural  
207                   improvement efforts;  
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209                   2. The waiver will adequately provide for service areas and other necessary  
210                   development features for the project;  
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212                   3. The waiver will not impede service or emergency vehicle access;  
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214                   4. The waiver will not reduce visibility of access to the property or  
215                   surrounding areas;  
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217                   5. The waiver will generally provide the minimum modification necessary to  
218                   achieve the intended relief;  
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220                   6. The waiver will not be injurious to or incompatible with adjacent properties,  
221                   the surrounding neighborhood, or otherwise detrimental to the public  
222                   welfare;  
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224                   7. The waiver is generally consistent with the intent and purpose of this  
225                   chapter and the City's Comprehensive Plan;



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 272 The following table generally identifies when and what type of public notice shall be required  
 273 and the minimum number of days prior to each meeting/hearing said notice shall be made as  
 274 additional requirements may be required per Florida Statutes:  
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<b>Proposed Action</b>	<b>Published Notice (Minimum number of days prior to each scheduled meeting/hearing)</b>	<b>Mailed Notice (Minimum number of days prior to the first scheduled meeting/hearing)</b>	<b>Posted Notice (Minimum number of days prior to the first scheduled meeting/hearing)</b>
Major development	10 days prior	10 days prior	10 days prior
Future Land Use Map (FLUM) amendment	10 days prior	10 days prior	10 days prior
Rezoning	10 days prior	10 days prior	10 days prior
Plat and plat note amendment	10 days prior	N/A	N/A
Vacations of right-of-way or easement	10 days prior	10 days prior	10 days prior
Comprehensive Plan text amendment	10 days prior	N/A	N/A
Zoning Code text amendment	10 days prior	N/A	N/A
Conditional use	10 days prior	10 days prior	10 days prior
Variance/redevelopment area modifications	10 days prior	10 days prior	10 days prior
Neighborhood compatibility meeting	10 days prior	10 days prior	10 days prior
Affordable Housing Bonus	10 days prior	10 days prior	N/A

<b>Proposed Action</b>	<b>Published Notice (Minimum number of days prior to each scheduled meeting/hearing)</b>	<b>Mailed Notice (Minimum number of days prior to the first scheduled meeting/hearing)</b>	<b>Posted Notice (Minimum number of days prior to the first scheduled meeting/hearing)</b>
Density Allocation			
<u>Waiver – Planning and Zoning Board Review</u>	<u>10 days prior</u>	<u>10 days prior</u>	<u>10 days prior</u>
<u>Waiver – City Commission Review</u>	<u>10 days prior</u>	<u>10 days prior</u>	<u>10 days prior</u>

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