1	EXHIBIT 1			
2	ORDINANCE NO. 2025-			
3 4 5 6 7 8 9 10 11 12	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" SECTIONS 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.			
13 14	Section 1			
15 16 17	Chapter 32 – ZONING AND LAND DEVELOPMENT CODE  ***  ARTICLE I. – GENERAL PROVISIONS			
18 19 20	DIVISION 1. – GENERALLY  ***			
21 22 23 24 25 26	Sec. 32-8 – Definitions  ***  Variance means a relaxation of the area or dimensional requirements of this chapter where such variance will not be contrary to the public interest and where, owing to conditions peculiar to the property and not the result of the actions of the applicant, literal enforcement of this chapter would result in unnecessary and undue hardship.			
27 28	***			
29 30 31 32 33 34 35 36 37	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.			
38	Section 2			
39 40 41 42 43 44	Chapter 32 – ZONING AND LAND DEVELOPMENT CODE  ***  ARTICLE VIII. – REZONING, CONDITIONAL USES, VARIANCES, ZONING RELIEF PROCEDURES, AND WAIVERS  ***			

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Sec. 32-968 - Filing fees.

- (a) All applications shall be accompanied by an official filing fee, which shall be used to defray expenses for administration, notices, and advertisements.
- (b) The fees shall apply to all applications for land use plan amendments, rezonings, conditional uses and variances. Filing fees for development review approval are established by resolution and on file.
- (c) After-the-fact applications. The penalty for an after-the-fact application shall be an amount equal to two times the filing fee.
- (d) Fee Reduction. Where the requirement to file an application arises directly from an error, omission, or other action of the City, the Director may request a reduction of the filing fee to the City Manager. The City Manager shall have the final authority to approve, modify, or deny the request. Such a request shall:
  - 1. Be made in writing to the City Manager with a description of the circumstances leading to the application;
  - 2. Recommend the amount of reduction, up to one hundred percent (100%) of the City filing fee.

This provision applies only to City filing fees and shall not apply to any outside costs incurred by the applicant, including but not limited to legal, professional, or advertising.

## Sec. 32-970 – Waivers

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

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	and any and approximate any and approximate
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	rediction developments.
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.
101	board approval.
102	3. Commission review. The city commission may grant waivers in conjunction
103	with major development applications or any applications that otherwise
105 106	require commission review and approval.
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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;
118	
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.
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105	(d) Deview was and specified
125	(d) Review procedures and escalation.
126	A Administrative marrians
127	1. Administrative review.
128	The disease shall nection the second for example as with
129	a. The director shall review the request for compliance with
130	subsection (e) (Approval Criteria).
131	h Ones the small-stirm is decreased to 1 1 1 1 1
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:
135	

136	1. Type and nature of administrative waiver being considered;
137	O. The place and time that the application may be provided and
138	2. The place and time that the application may be reviewed; and
139	2. Natification that any protect by a naticed property owner will
140	3. Notification that any protest by a noticed property owner will be required in writing within ten (10) working days from the
141 142	date of the courtesy notice.
143	date of the courtesy notice.
140	
144	c. The director may approve, approve with conditions, or deny the
145	<u>waiver.</u>
146	
147	d. If the director denies the waiver or determines it warrants higher-
148	level review, the applicant may either withdraw the application or
149	escalate the waiver request to the planning and zoning board for
150	<u>consideration.</u>
151	
152	1. If the applicant decides to escalate the application, such a
153	decision must be made in writing within ten (10) days of the
154	director's formal decision.
155	O The souli sout shall wat he was a suit le fan ann additional
156	2. The applicant shall not be responsible for any additional
157	application fees, except for the cost of advertising the
158	application for the board hearing.
159	2. If the applicant fails to either withdraw or escalate the
160	3. If the applicant fails to either withdraw or escalate the
161 162	application within the required time period, the waiver request shall be deemed denied with finality and closed by
163	the City
164	the Oity
165	2. Planning and Zoning Board review.
166	2. Harring and Zorning Board Toviow.
167	a. The board shall review waiver requests associated with minor
168	developments requiring board approval, or those escalated from
169	the director.
170	<u></u>
171	b. The board may approve, approve with conditions, or deny the
172	waiver.
173	<del></del>
174	c. If the board denies the waiver, the applicant may escalate the
175	application to the city commission for its consideration.
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177	1. If the applicant decides to escalate the application, such a
178	decision must be made in writing within ten (10) days of the
179	Planning and Zoning Board hearing.
180	

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.	
184		
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	
188		
189	2. City Commission review	
190	3. City Commission review.	
191	a. The commission shall review weiver requests associated with	
192 193	<ul> <li>a. The commission shall review waiver requests associated with major development applications, those applications requiring</li> </ul>	
193	commission approval, and any appeals from the planning and	
194	zoning board.	
196	Zoring board.	
197	b. The commission shall act only after receiving a recommendation	1
198	from the planning and zoning board on the waiver request.	-
199	nom the planning and zening beard on the walver request.	
200	c. The commission shall make the final determination to approve,	
201	approve with conditions, or deny the waiver.	
202	<del></del>	
203		
204	(e) Approval criteria. A waiver may be approved if the approving authority finds that	<u>:</u>
205	4. The continuous illustration if a continuit in biblic matrials bearing and an atmost and	
206	1. The waiver will not significantly inhibit neighborhood or structural	
207	improvement efforts;	
208	2. The waiver will adequately provide for service areas and other necessary	,
209	<ol> <li>The waiver will adequately provide for service areas and other necessary development features for the project;</li> </ol>	_
210 211	development leatures for the project,	
211	3. The waiver will not impede service or emergency vehicle access;	
212	5. The waiver will not impede service of emergency vehicle access,	
213	4. The waiver will not reduce visibility of access to the property or	
215	surrounding areas;	
216	carrounding arodo,	
217	5. The waiver will generally provide the minimum modification necessary to	
218	achieve the intended relief;	
219	<u>aomovo mo manada ronon</u>	
220	6. The waiver will not be injurious to or incompatible with adjacent propertie	S,
221	the surrounding neighborhood, or otherwise detrimental to the public	
222	<u>welfare;</u>	
223	7. The weigen is generally consistent with the intent and commerce (10):	
224	7. The waiver is generally consistent with the intent and purpose of this	
225	chapter and the City's Comprehensive Plan;	

226	
227	8. The waiver will not permit a use otherwise prohibited in the zoning district;
228	<del>-</del>
229	9. The waiver supports innovative or flexible design solutions that further the
230	goals of this chapter, including but not limited to enhanced architectural
231	design, sustainable development, or improved site functionality;
232	design, sustainable development, or improved site functionality,
233	10. The waiver generally addresses practical difficulties or challenges that
234	would arise from strict enforcement of the provisions of this chapter.
235	would arise from strict emorcement of the provisions of this chapter.
236	(f) Conditions. In granting a waiver, the approving authority may impose reasonable
	<del></del>
237	conditions and safeguards, including but not limited to:
238	1. Time limite within which the action for which the waiver is required must
239	1. Time limits within which the action for which the waiver is required must
240	<u>begin or be completed;</u>
241	
242	2. Requirements for design, materials, or site features to ensure compliance
243	with the intent of this chapter.
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245	3. Violation of such conditions shall be deemed a violation of this chapter.
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247	(g) Expiration. A waiver granted under this section shall automatically expire if:
248	<u> 197 — Priestorius Charles Grantos antaer antae escalen entan estaentationing esperio in </u>
249	1. A building permit is not issued within six months of the waiver approval (or
250	any final court order affirming approval);
251	arry mar ocare order animming approvary,
252	2. Work is not completed and a certificate of occupancy is not issued under
253	an active permit; or
254	an active permit, or
255	3. The permit issued in reliance on the waiver expires or is revoked, and the
256	original time period for obtaining a permit has lapsed.
257	original time period for obtaining a permit has lapsed.
258	A one-time extension of up to one (1) year may be granted by the director upon written
259	request filed prior to the approval expiration.
260	request filed prior to the approval expitation.
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263	Sec. 32- <del>970</del> 971-32-1000 – Reserved
264	000. 02 070 <u>071</u> 02 1000
265	Section 3
200	
266	Chapter 32 – ZONING AND LAND DEVELOPMENT CODE
267	***
268	ARTICLE IX. – NOTICE REQUIREMENTS
269	***
270	Sec. 32-1003 – Hearing Notice Requirements.

The following table generally identifies when and what type of public notice shall be required and the minimum number of days prior to each meeting/hearing said notice shall be made as additional requirements may be required per Florida Statutes:

	Published Notice	Mailed Notice	Posted Notice
	(Minimum number of	(Minimum number of days	(Minimum number of days
Proposed Action	days prior to each	prior to the first	prior to the first
	scheduled	scheduled	scheduled
	meeting/hearing)	meeting/hearing)	meeting/hearing)
Major development	10 days prior	10 days prior	10 days prior
Future Land Use Map	10 days prior	10 days prior	10 days prior
(FLUM) amendment		, ,	, ,
Rezoning	10 days prior	10 days prior	10 days prior
Rezoning	TO days prior	To days prior	TO days prior
Plat and plat note			
amendment	10 days prior	N/A	N/A
Vacations of right-of-way or	10 days prior	10 days prior	10 days prior
easement	10 days prior	10 days prior	10 days prior
Comprehensive Plan text	10 days prior	N/A	N/A
amendment	. o dayo pe.		,, .
Zanina Oada kask			
Zoning Code text	10 days prior	N/A	N/A
amendment			
Conditional use	10 days prior	10 days prior	10 days prior
		, and the proof	
Variance/redevelopment	10 days ======	10 days ======	40 daya mai
area modifications	10 days prior	10 days prior	10 days prior
Neighborhood compatibility	10 days prior	10 days prior	10 days prior
meeting			
	40.1	40 1	NI/A
Affordable Housing Bonus	10 days prior	10 days prior	N/A

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