



City of Hallandale Beach Planning and Zoning Board Agenda Cover Memo

Applicant:	City of Hallandale Beach	Meeting Date:	November 29, 2023
General Title:	Accessory Dwelling Unit Regulations	Application No.:	LDC #23-5882
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 Code creating regulations for Accessory Dwelling Units (ADUs).		
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:		
	Deandrea Moise, AICP, Urban Planner		

Short Title:

AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF HALLANDALE BEACH, FLORIDA, AMENDING ARTICLE III OF THE ZONING AND LAND DEVELOPMENT CODE, DIVISION 2. ACCESSORY USES AND STRUCTURES CREATING SECTION 32-244 ACCESSORY DWELLING UNITS; AMENDING SECTION 32-8 DEFINITIONS; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.

Staff Summary

Summary

The Department of Sustainable Development is proposing a code amendment to provide regulations to permit and regulate Accessory Dwelling Units (ADU) for residential single-family dwellings to create additional housing options that address affordability and urban sprawl, while maintaining the character and integrity of single-family neighborhoods.

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

Background

Florida Statute 163.31771 titled *Accessory dwelling units* (Exhibit 2) identifies the need for additional affordable housing options available to extremely-low, very-low, low, and moderate income persons in urban areas by stating "...that the median price of homes in this state has increased steadily over the last decade and at a greater rate of increase than the median income in many urban areas" resulting in a shortage of affordable rentals "...constitut[ing] a threat to the health, safety, and welfare of the residents of the state." In the interest of public purpose, the Legislature has provided municipalities with the ability to allow ADUs in single family residential areas for the purpose of increasing affordable housing opportunities.

"Extremely-low-income persons" means one or more natural persons or a family whose total annual household income does not exceed 30 percent of the median annual adjusted gross income for households within the state.

"Very-low-income persons" means one or more natural persons or a family, not including students, the total annual adjusted gross household income of which does not exceed 50 percent of the median annual adjusted gross income for households within the state.

"Low-income persons" means one or more natural persons or a family, the total annual adjusted gross household income of which does not exceed 80 percent of the median annual adjusted gross income for households within the state.

"Moderate-income persons" means one or more natural persons or a family, the total annual adjusted gross household income of which is less than 120 percent of the median annual adjusted gross income for households within the state.

On October 25, 2023, the Planning and Zoning Board reviewed the proposed code amendment and unanimously voted to table the item to the next Board meeting. The Board suggested changes related to the permitted height of an ADU and minor language change for clarity. Furthermore, the Board expressed concerns regarding the affordable housing requirement for ADUs. Subject to the Broward County Land Use Plan (Exhibit 3), ADUs may only be excluded from density calculations if they are made affordable as required by Florida Statute 163.31771; otherwise, as per the Broward County Land Use Plan an ADU would be restricted to 500 square feet to be counted as 0.5 dwelling unit (Exhibit 4).

For the majority of properties in the City, an ADU could not be achieved at 0.5 dwelling units. Additionally, the Board expressed suggested restricting the primary dwelling from being used as a vacation rental in addition to the ADU; however following discussion with the City Attorney's office, the City is preempted from doing this by State Statutes.

Current Situation

In agreement with and empowered by State legislature, the Department of Sustainable Development has drafted the attached ordinance to allow ADUs for single family dwellings where single family is permitted within the City and provide regulations to manage the construction and use of ADUs. An ADU shall be defined as an ancillary or secondary living unit that has a separate kitchen, bathroom, and sleeping area existing within the same structure, or on the same lot, as the primary dwelling unit.

As use and development trends begin to evolve, the City must amend the regulations from time to time to be forward-thinking and consistent with changing times, population increases, and emerging issues. The proposed code amendment incentivizes low scale affordable housing development while providing additional rental income for single-family dwelling property owners. The regulations work to ensure that ADUs are developed in a manner which protects the character and integrity of single-family dwellings and areas through requirements for design and development. Allowing ADUs for single family dwellings could further encourage and focus catalytic property enhancement and reinvestment opportunities.

Florida Statutes allow each ADU unit to apply towards satisfying the affordable housing component of the City's housing element within the Comprehensive Plan. The proposed code amendment is consistent with the Comprehensive Plan and will assist in furthering the following policies and objectives, based upon the following:

POLICY 1.8.10: The City shall actively promote the provision of affordable housing opportunities within Local Activity Centers during the review and approval of design plans and guidelines for these centers by favoring urban development patterns characterized by reduced lot sizes, construction of zero lot line and cluster housing, vertical integration of residential units with non-residential uses, the allowance of accessory dwelling units, and/or through other mechanisms proven effective in increasing the stock of affordable housing units.

POLICY 1.9.6: A Regional Activity Center should provide for substantial housing opportunities to allow people to both live and work within the Regional Activity Center

POLICY 1.9.7: A Regional Activity Center shall include opportunities to address the affordable/workforce housing needs of the city

OBJECTIVE 1.13: Housing: The City shall decrease the amount of substandard living conditions and blighting influences in the Hallandale Beach community through actions identified in the Housing Element to achieve stated objectives.

POLICY 1.13.2: The Hallandale Beach Zoning and Land Development Code provisions which contain design standards relative to landscaping, setbacks, and other site controls, shall continue to be strictly enforced to meet the intent of the Goal, Objective and Policies of the Future Land Use Element of the Plan.

OBJECTIVE 4-1.4: Adequate Housing Sites. The City shall support the need for adequate sites for all residents.

POLICY 4-1.1.9: Eliminating Barriers. The City shall eliminate barriers to the creation of housing, especially affordable housing. This action will include but not be limited to, streamlining the review process, especially in regarding to affordable housing projects.

POLICY 4-1.4.9: Provision of Diverse Housing Types. The City shall continue to provide a balance of land use designations and zoning districts on the Future Land Use and the official zoning maps to ensure single family, duplex and multifamily housing units are allowed within the City.

POLICY 4-1.5.5: The City shall continue to encourage mixed-use development and concentrations of higher residential densities along major transportation corridors. The City shall continue to foster a variety of housing opportunities at varying price ranges to the extent possible.

Analysis

The attached proposed ordinance (Exhibit 1) adds Section 32-244 to the Zoning and Land Development Code summarized below:

1. Removes duplicative definition of applicable terms and regulations.
2. Defines accessory dwelling units and other applicable terms.
3. Limits one ADU per property, for single-family dwellings in districts where single-family residential use is permitted and legal non-conforming single-family dwellings.
4. Prohibits ADUs from being used as vacation rentals.
5. Allows detached or attached structures and converted interior spaces to be used as ADUs.
6. Provides development and design requirements including but not limited to parking, unit sizes, setbacks, location, and architectural characteristics.
7. Allows reduced setbacks for ADUs.
8. Allows increased lot coverage maximum for ADUs.
9. Promotes compatibility with the existing primary dwelling.
10. Prohibits the use of recreational vehicles, travel trailers, mobile houses, or similar structures as an ADU.
11. Provides standards for the legalization of existing structures.
12. Requires a recorded restrictive covenant which attests that the unit will be rented at an affordable rate as defined by Florida Statutes, and a that the ADU shall not be sold separately nor the land subdivided.

13. Requires building permit and compliance with Certificate of Use process.

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 code changes will accommodate continued efforts to enhance and revitalize the City of Hallandale Beach consistent with the City’s Comprehensive Plan, Housing Element and Future Land Use Element and will improve the overall quality of life for citizens within the City of Hallandale Beach. The changes also support affordable housing efforts while maximizing the use of property.

Staff Recommendation:

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

Attachment(s):

- Exhibit 1- Proposed Draft Ordinance
- Exhibit 2 - Florida Statute 163.31771 Accessory Dwelling Units
- Exhibit 3 – Broward County Land Use Plan Density Exception
- Exhibit 4 – Broward County Land Use Plan Half Unit Density

REVIEWED BY: Christy Dominguez
Planning and Zoning Manager