

ORDINANCE NO. 2022 - 011

AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF HALLANDALE BEACH, FLORIDA, AMENDING ARTICLE IV DIVISION 23, OF THE ZONING AND LAND DEVELOPMENT CODE, SECTION 32-761, DEMOLITION STANDARDS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, it is in the best interest of the City of Hallandale Beach, Florida, its residents and environment to amend the City's present demolition standards to prevent speculative demolition, resulting in long-term vacant lots; and

WHEREAS, requiring basic site improvements, such as fencing and sodding of vacant property will limit blight affecting neighborhoods throughout the city; and

WHEREAS, the proposed amendments are consistent with requirements for major development sites with demolished structures; and

WHEREAS, on February 23, 2022, the Planning and Zoning Board afforded all interested persons an opportunity to be heard at a duly noticed public hearing and recommended approval of the proposed amendment; and

WHEREAS, the Mayor and City Commission have conducted duly noticed public hearings on the proposed amendment to the Zoning and Land Development Code; and

WHEREAS, the Mayor and City Commission have determined that the proposed amendment is in the best interest of the City of Hallandale Beach and its residents.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF HALLANDALE BEACH, FLORIDA:

SECTION 1. Chapter 32 Article IV, Division 23 of the Zoning and Land Development Code is amended as follows:

Sec. 32-761.Demolition.

(a) A demolition permit for total or substantial demolition shall not be issued unless the following criteria are satisfied:

(1) Historic properties – Prior to the issuance of a demolition permit for a designated building, structure, improvement, site district, or zone the applicant must show full compliance with section 8-186.

(2) Demolition permits associated with new construction shall require the following:

a. Submission of building permit application for new construction, and;

b. Payment of any upfront fees associated with the permit for new construction.

c. The following site improvements are required if construction does not commence within 180 days of demolition for major developments or within 90 days of demolition for minor developments:

1. The development site shall be properly graded;

2. The entire site shall be sodded with drought and salt-tolerant sod, such as bahia sod or seashore paspalum sod, and;

3. The development site shall be fenced with a fence type and height consistent with the applicable zoning district for the property and the City of Hallandale Beach Design Guidelines, or other materials as approved by the city manager, until construction commences.

d. An extension of time, up to six-months, may be granted at the discretion of the city manager, provided good cause for the delay has been shown by the applicant. Good cause may include but shall not be limited to the building permit for the construction improvements is in process. An extension shall only be granted where an applicant has requested the extension in writing within the time specified in this subsection for the type of development.

(4) Demolition permits not associated with new construction, including the demolition of an unsafe structure, shall comply with the following:

a. The demolition permit application shall indicate that the entire property, except for areas surrounding trees to be retained, will be properly graded;

b. The demolition permit application shall indicate that the entire site shall be sodded with drought and salt-tolerant sod, such as Bahia sod or seashore paspalum sod, and;

c. The site shall be fenced with a fence type consistent with the City of Hallandale Beach Design Guidelines, or other materials as approved by the city manager, until construction commences.

d. In the event a unsafe structure is demolished by order of the Building Official, all cost associated with grading, sodding and fencing the property shall be paid by the owner, interested party, or occupant of the premises pursuant to the provisions of City Code.

(b) A demolition and construction notice shall be posted with the name and phone number of the general contractor and the expected week of demolition or construction commencement. The sign shall be posted not less than seven days in advance of such commencement.

(b)(c) At least 72 hours in advance of actual demolition, the applicant shall provide written notice of the exact date of demolition to adjacent residents on a form approved by the city manager.

~~(e) To the extent any existing structure is to be demolished and replaced with new construction, no permit for demolition shall be issued until a complete building permit application for construction is submitted to the development services department.~~

~~(d) Except for minor development projects containing less than ten residential units or less than 4,000 square feet of nonresidential gross floor area, if construction does not commence within 180 days after demolition has occurred at the development site or within 180 days of~~

79 ~~site plan approval, should the development site be vacant, the development site shall be~~
80 ~~properly graded, sodded and fenced with a fence type consistent with the City of Hallandale~~
81 ~~Beach Design Guidelines, or other materials as approved by the city manager, until such~~
82 ~~time as construction commences.~~

83 (e)(d) All mud, dirt or debris deposited on any street, alley, crosswalk, sidewalk or other public
84 property as a result of construction shall be removed and broom cleaned to the extent
85 possible at the end of each day that construction work has occurred. Debris shall be disposed
86 of in accordance with all applicable laws.

87 (f)(e) Except while delivery or removal of materials to and from the development on site is
88 occurring, to the extent any sidewalk, street or other public right-of-way shall be blocked,
89 closed or otherwise rendered impassable, approval by the city manager must be obtained
90 and appropriate signage, cones and/or construction horses must be used to ensure public
91 safety.

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93 **SECTION 2. Conflict.** All ordinances or portions of the Code of Ordinances of the City
94 of Hallandale Beach in conflict with the provisions of this ordinance shall be repealed to the extent
95 of such conflict.

96 **SECTION 3. Severability.** Should any provision of this ordinance be declared by a court
97 of competent jurisdiction to be invalid, the same shall not affect the validity of the ordinance as a
98 whole, or any part thereof, other than the part declared to be invalid.

99 **SECTION 4. Effective Date.** The provisions of this ordinance shall become effective as
100 provided by law.

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102 PASSED on 1st Reading on May 4, 2022.

103 ADOPTED on 2nd Reading on June 1st, 2022.

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JOY COOPER
MAYOR

SPONSORED BY: CITY ADMINISTRATION

ATTEST:


JENORGEN GUILLEN, CMC
CITY CLERK

APPROVED AS TO LEGAL SUFFICIENCY
FORM

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JENNIFER MERINO
CITY ATTORNEY

FIRST READING VOTE ON ADOPTION

Mayor Cooper	<u>Yes</u>
Vice Mayor Butler	<u>Absent</u>
Commissioner Javellana	<u>Absent</u>
Commissioner Lazarow	<u>Yes</u>
Commissioner Lima-Taub	<u>Yes</u>

FINAL VOTE ON ADOPTION

Mayor Cooper	<u>Yes</u>
Vice Mayor Butler	<u>Yes</u>
Commissioner Javellana	<u>Absent</u>
Commissioner Lazarow	<u>Absent</u>
Commissioner Lima-Taub	<u>Yes</u>

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