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**ORDINANCE 2012 - 05**

**AN ORDINANCE OF THE CITY OF HALLANDALE BEACH, FLORIDA; AMENDING CHAPTER 32, OF THE ZONING AND LAND DEVELOPMENT CODE, ARTICLE IX, SECTION 32-1002 NOTICE REQUIREMENTS AND REPEALING ARTICLE VIII, SECTION 32-967 NOTICES, AND: PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, the City Commission of the City of Hallandale Beach is dedicated to ensure that affected property owners and affected parties have the opportunity to participate in public participations and hearings pertaining to development-related activities; and

**WHEREAS**, On February 1, 2012, the City of Hallandale Beach City Commission approved the Citizens Planning Bill of Rights for Hallandale Beach and its Administrative Policy for staff to follow to assure the public has access to information pertaining to development activity in the City; and

**WHEREAS**, the City's Zoning and Land Development Code ("Code") Section 32-967, Notices, does not completely set forth the new standard for advertising of public hearings under the Citizens Planning Bill of Rights and the staff recommends repealing it in its entirety; and

**WHEREAS**, the City's Zoning and Land Development Code ("Code") Section 32-1002 provides language that cites the time in which the Planning and Zoning Board agenda shall be published and posted at City Hall and needs updating for consistency with the Public Notice Administrative Policy.

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

**SECTION 1.** Section 32-967 of the Code of Ordinances of the City of Hallandale is repealed in its entirety.

**SECTION 2.** That the City of Hallandale Beach Code of Ordinances shall be and is hereby amended as follows:

\* \* \*

37 **Sec. 32-1002. - Types of public notices.**

38 A. When referred to in the Zoning Code, the different types of public notices set out below  
39 shall be given the meaning and conform with the provisions as follows:

40  
41 1. *Mail notice.*

42  
43 a. Mail notice shall consist of mailing a notice of a public hearing to real property  
44 owners within the city as specified herein as each is listed in the latest ad valorem tax  
45 records of the county. Each owner of a condominium or cooperative unit whose  
46 address is known by reference to the latest ad valorem tax records shall be sent  
47 notice as a real property owner.

48 b. In addition to the requirements provided in this section, the notice shall state the  
49 date, time and place of the meeting or public hearing, the title of the proposed  
50 ordinance or a description of the action to be considered and the place or places  
51 within the city where such proposed ordinance or information may be inspected by  
52 the public.

53 c. The notice shall advise that interested parties may appear at the meeting and be  
54 heard with respect to the proposed ordinance or action to be considered.

55 d. Unless otherwise provided by law, mail notice may be provided by bulk mail,  
56 first-class mail or other type of mail made available by the U.S. Postal Service.

57 e. A copy of the notice mailed shall be made available for public inspection during  
58 the regular business hours of the city clerk.

59 f. Mail notice shall be deemed given when a notice has been properly addressed,  
60 stamped and deposited in a U.S. Postal Service depository.

61 g. Failure to receive notice shall not be grounds to invalidate the hearing as this  
62 provision is a courtesy.

63 2. *Newspaper notice.*

64 a. Newspaper notice shall consist of publication in a newspaper of general paid  
65 circulation and of general interest and readership in the city, not one of limited subject  
66 matter.

67 b. Whenever possible, the advertisement shall appear in a newspaper that is  
68 published at least five days a week.

69 c. In addition to the requirements provided in this section, the notice shall state the  
70 date, time and place of the meeting or public hearing; the title or titles of the proposed  
71 ordinance or a description of the action to be considered and the place or places  
72 within the city where the proposed ordinance or information may be inspected by the  
73 public.

74 d. The notice shall advise that interested parties may appear at the meeting and be  
75 heard with respect to the proposed ordinance or action to be considered.

76 3. *Posted notice.* Sign notice shall be given by the applicant by posting a four-foot by  
77 four-foot sign stating the time, date, the type of petition being considered, the petition  
78 number, and where further information can be obtained on such matter on the property  
79 which is the subject of an application for major development, land use plan amendment or  
80 rezoning. All other applications outlined in this article shall be posted by the applicant with  
81 a sign provided by the city.

82 a. If more than one public hearing is held on a matter, the date, time and place  
83 shall be stated on the sign or changed as applicable.

84 b. The sign shall be posted at least ten days prior to the date of the public hearing.

85 c. The sign shall be visible and legible from adjacent rights-of-way, including  
86 waterways, but except alleys.

87 d. If the subject property is on more than one right-of-way as described in  
88 subsection 3.c., a sign shall be posted facing each right-of-way.

89 e. If the sign is destroyed or removed from the property, the applicant is  
90 responsible for obtaining another sign and posting the sign on the property.

91 f. The sign shall remain on the property until final disposition of the application.  
92 This shall include any deferral, rehearing, appeal, request for review or hearings by  
93 another body. The sign information shall be changed as provided in subsection 3.a.

94 g. The applicant shall, five days prior to the public hearing, execute and submit to  
95 the Development Services Department photographs and an affidavit of proof of the  
96 posting of the public notice sign according to this section. If the applicant fails to  
97 submit the affidavit, the public hearing will be postponed until the next public hearing  
98 after the affidavit has been supplied.

99 h. Should the application be continued or deferred for greater than 60 days, the  
100 sign notice shall be removed and reestablished in accordance with this subsection.

101 4. *Agenda publication.* Agenda publication shall apply to publication of the agenda of the  
102 planning and zoning board at least ten days before the meeting of the body that is  
103 considering development approvals and permits.

104 5. *Agenda posting.* Agenda posting shall mean posting of the agenda of all boards  
105 reviewing development permits at a public place on a wall at city hall identified for that  
106 purpose at least seven days prior to the public hearing.

107 6. *Additional and optional notice.* The city commission may direct that additional notice be  
108 given as the city commission may deem as proper for the circumstances involved for a  
109 particular hearing

110 \* \* \*

111 **SECTION 3.** All ordinances or parts of ordinances and all resolutions or parts of  
112 resolutions in conflict herewith are hereby repealed.

114           **SECTION 4.** In the event that any section or provision of this ordinance or any portion  
115 thereof, any paragraph, sentence, or word be declared by a court of competent jurisdiction to be  
116 invalid, such decision shall not affect the validity of the remainder hereof as a whole or part  
117 thereof other than the part declared to be invalid.

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119           **SECTION 5.** Upon adoption on 2<sup>nd</sup> reading, this ordinance shall be codified and made  
120 a part of the Code of Ordinances of the City of Hallandale Beach, Florida.

122           PASSED AND ADOPTED on 1<sup>st</sup> reading April 18, 2012.

123           PASSED AND ADOPTED on 2<sup>nd</sup> reading May 2, 2012.

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127 ATTEST

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131 CITY CLERK

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131 MAYOR COMMISSIONER

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134 Approved as to legal sufficiency and form:

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137  
138 V. Lynn Whitfield, CITY ATTORNEY

	VOTE
	AYE/NAY
Mayor Cooper	<input checked="" type="checkbox"/>
Vice Mayor Sanders	<input checked="" type="checkbox"/>
Comm. Lewy	<input checked="" type="checkbox"/>
Comm. London	<input checked="" type="checkbox"/>
Comm. Ross	<input checked="" type="checkbox"/>

ABSENT