



City of Dania Beach Community Development Memorandum

DATE: 6/25/2024

TO: Mayor and Commissioners

FROM: Ana M. Garcia, ICMA-CM, City Manager

VIA: Candido Sosa-Cruz, ICMA-CM, Deputy City Manager
Eleanor Norena, CFM, Director
Corinne Lajoie, AICP, Deputy Director
Claudia Viviana Batista, Planning and Zoning Manager

SUBJECT: TX-007-24 The applicant, the City of Dania Beach, is requesting a text amendment to the City's Code of Ordinances, Land Development Code (LDC) modifying container regulations. (FIRST READING)

Request:

Text Amendment updating and providing more detail on the use of cargo/shipping containers for construction use.

Background:

In April 2023, amendments were made to the Land Development Code to allow containers to be used for construction. As more communities are using shipping containers as a viable option for construction and structures, the City would like to provide the same possibilities establishing regulations and parameters on how to implement them.

The regulations will remove the current requirement of a Special Exception approval for the implementation of shipping containers in construction and provide design standard details for residential and commercial occupancy purposes for primary or accessory use.

Planning and Zoning Board Previous Action

This application will be heard at the June 20, 2024 Planning & Zoning Board meeting. City staff will provide the results of this action at the City Commission. This application will then require two (2) readings at the City Commission.

Budgetary Impact

N/A

Recommendation

The Community Development Department recommends that the City Commission approve the text amendment on this first reading.

ORDINANCE NO. 2024-_____

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DANIA BEACH, FLORIDA, AMENDING CHAPTER 28, "LAND DEVELOPMENT REGULATIONS" AT PART 1. ENTITLED "USE REGULATIONS", ARTICLE 105 ENTITLED "USE REGULATIONS FOR RESIDENTIAL AND OPEN SPACE ZONING DISTRICTS"; AT SECTION 105-90, ENTITLED "OUTDOOR STORAGE CONTAINERS", PROVIDING FOR CONFLICTS; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; AND FURTHER, PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Mayor and City Commission desire to amend the Land Development Code in order to provide for clarified standards as to when a shipping container can be used as a building or habitable structure, and to include those standards in the City's Code; and

WHEREAS, the City desires to modify Chapter 28 of the Land Development Regulations to amend Section 105-90, entitled "Outdoor storage containers".

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

Section 1. That the preceding "WHEREAS" clauses are ratified and incorporated as a record of the legislative intent of this Ordinance.

Section 2 That Chapter 28 of the City's Code of Ordinances entitled "Land Development Regulations", to amend Article 105, entitled "Use and regulations for residential and open space zoning districts", to read as follows:

CHAPTER 28

LAND DEVELOPMENT REGULATIONS

PART 1. USE REGULATIONS

ARTICLE 105 – USE REGULATIONS FOR RESIDENTIAL AND OPEN SPACE ZONING DISTRICTS

* * *

Sec. 105-90. Outdoor storage containers.

(A) *Purpose and intent.* It is the purpose and intent of this section to restrict the use of outdoor storage containers in order to promote and protect the appearance of the city and the public health, safety and welfare.

(B) *Definitions.* For the purpose of this section, the following terms are defined:

- (1) *Containers*, traditionally made from steel and having close-top, hinged doors may be used as modular building elements forming the structure of a building.
 - (2) *Storage container* means any steel cargo container, or any similar container designed and intended for transporting materials on ships, trains, or trucks from one (1) location to another.
 - (3) *Temporary portable container* means any container or receptacle, other than a storage container as defined above, designed for and used outdoors for the temporary portable storage of personal property. Temporary portable containers are ordinarily rented or leased to owners or occupants of real property and are placed and removed by means of a truck or other motor vehicle. Temporary portable containers do not have wheels or any other device or mechanism that raises any part of it above the surface upon which it is located.
- (C) *Permitted storage containers.* A storage container is permitted only as follows:
- (1) Storage containers are permitted within zoning districts that specifically permit outdoor storage, in which cases subsections (E) through (G) shall not apply.
 - (2) Municipal or other governmental agencies may place a storage container upon a public property within any zoning district, in which cases subsections (E) through (G) shall not apply.
 - (3) Not-for-profit charitable organizations, as well as authorized vendors, affiliates, or agencies of such organizations may place a storage container upon a lot as an accessory structure and use to a principal building and use, within a commercial or industrial zoning district, subject to subsections (E) through (G), including the requirement of subsection (F)(3) that a storage container to be located in the community redevelopment area shall require approval as a special exception use in accordance with article 630.
- (D) *Permitted temporary portable containers.*
- (1) A temporary portable container is permitted only as follows:
 - (a) A temporary portable container is permitted upon a lot occupied by a single-family or two-family dwelling. The container shall only be located on a front yard driveway.
 - (b) A temporary portable container is permitted upon a lot occupied by a multiple-family dwelling or townhome. The container must be placed entirely within a single paved and striped parking space.
 - (c) Temporary portable containers are permitted on any lot where outdoor storage is specifically permitted by the applicable zoning district, in which cases subsection (E) shall not apply.
 - (2) *Temporary portable container permits.*
 - (a) A permit is required prior to placement of a temporary portable container upon any property. Permit application requirements shall be established administratively. The city commission may establish and update temporary portable container permit fees by resolution from time to time. The temporary portable container permit fee shall be waived for applications submitted during the sixty-day period following a named

hurricane event which significantly impacts the city, as determined by the city manager. The container shall not be placed upon the property until the application is approved.

- (b) A copy of the permit shall be conspicuously displayed on the container, within a clear weatherproof pouch.
- (c) A permit to place a temporary portable container on a lot shall be issued not more than one (1) time per calendar year, and shall not be valid for more than thirty (30) consecutive days.
- (d) The city commission may consider a waiver to these requirements upon demonstration of a hardship that is not self-created and which the commission determines will not be detrimental to the adjacent community. An application for waiver must be authorized by the property owner, and shall be accompanied by a nonrefundable waiver application fee to be established by resolution of the city commission from time to time.
- (e) Despite the time limitations provided in this section, all temporary portable containers must be removed immediately from all lots where placed upon the issuance of a hurricane warning by the National Hurricane Center of the National Oceanic and Atmospheric Administration National Weather Service. The obligation to cause removal of the container rests with the owner of the site who shall sign a notarized statement to that effect, which must be submitted as part of all applications for temporary portable containers.

(E) *Maximum size and number of storage containers and temporary portable containers.*

- (1) No temporary portable container shall exceed one hundred sixty (160) square feet and ten (10) feet in height.
- (2) No more than one (1) temporary portable container may be placed upon a lot, except as provided in [subsection] (6), below.
- (3) No storage container shall be allowed in the community redevelopment area unless approved as a special exception use in accordance with article 630. Additional conditions may be established by the city commission when granting a special exception under this subsection, based on site considerations and potentially resulting impacts upon the surrounding area or zoning district where the subject property is located, in accordance with section 630-50(B).
- (4) The director of community development may authorize two (2) or more temporary portable containers on industrial zoned lots, and may authorize two (2) or more storage containers that may exceed the size limitation in [subsection] (4) above, upon making all of the following determinations:
 - (a) That the lot affords sufficient space for placement of the container;
 - (b) That adequate parking and building access remain available on the site; and
 - (c) That the adjacent property owner(s) do not have an objection to additional storage containers, as evidenced by written letter of no objection to the city.

(F) *Storage and temporary container restrictions.* This subsection applies to both storage containers and temporary portable containers unless otherwise provided.

- (1) All storage containers shall provide the same setbacks as a principal building. Temporary portable containers shall be set back a minimum of five (5) feet from all street lines and property lines. Both storage containers and temporary portable containers shall not obstruct access to any building.
- (2) Display of signage on any container is prohibited, other than the name, address and telephone number of the container owner, permanently affixed to the container.
- (3) Containers shall be kept in good condition, well-painted, free from rust, discoloration, graffiti, holes and cracks.
- (4) If the container is capable of self-locking upon being closed, it must provide an emergency release device inside the entrance, visible in the dark, useable by a small child, in case anyone were to be accidentally locked inside.
- (5) The container shall not be used to store goods that are, or appear to be, destined for wholesale or retail purposes.
- (6) No hazardous substance of any type whatsoever shall be stored within any container.
- (7) Only personal property owned by the site owner or occupant shall be stored in a temporary portable container.
- (8) No owner or occupant of a site shall be issued a permit if any outstanding city liens are unpaid or code enforcement proceedings are pending pertaining to the site, the owner or the occupant.
- (9) A representative of the city shall be afforded immediate access upon request to determine if the contents of the container comply with the restrictions of this section.
- (10) Storage containers shall be anchored pursuant to Section 161.21, "General Design Requirements" of the Building Code.
- (11) Storage containers shall be completely screened on all sides by one (1) or more of the following, as approved by the director:
 - (a) Walls or opaque fences with a minimum height of six (6) feet;
 - (b) Hedges with a minimum height of five (5) feet; or
 - (c) Any combination of walls, opaque fences, or hedges.

(G) *Containers.* A container may be utilized ~~and may be used~~ as modular building elements forming the structure of a building for any permitted use provided the following applicable criteria:

- ~~(1) Applicant must apply for and obtain special exception approval, as is required under the criteria contained in article 630 of this Land Development Code.~~

Applicant must apply for and obtain site plan approval, as is required under the criteria contained in article 635 of this Land Development Code (LDC). Single-family dwellings will be reviewed through the building permit process since these are exempt from the site plan process per LDC Section 635-30.

1. Dwelling Unit

- a. Containers may be used as dwelling units on properties located in residential zoning districts.
- b. The use of containers as dwelling units shall be contingent upon architectural modifications being made to the exterior of the structures. Such modifications shall include the use of materials appropriate for residential use.
- c. For properties zoned for multi-family uses, site plan approval must be obtained, as is required under the criteria contained in Article 635 of this Land Development Code.
- d. All other development standards shall be in accordance with the underlying zoning district in which the property is located.
- e. Containers used for accessory structures purposes in residential districts must follow the regulations from LDC Sections 215-90 and 220-70.

2. Non-Residential Main Buildings Uses:

- a. Properties located within the noise contour from the airport must provide sound mitigation to the surrounding properties.
- b. Design and Performance Standards. All applicable design regulations per the zoning district the site is located must be incorporated, in addition to the following:
 - 1. All shipping containers used as principal structures shall be treated, painted, and maintained in good condition at all times with no visible structural damage, corrosion, or graffiti.
 - 2. Containers used for commercial uses shall be modified and enhanced through the use of architectural features such as commercial doors and windows, awnings, outdoor lighting, seating, and landscaping planters. The Community Development Director or designee will decide if the proposed modifications meet the design criteria standards established per district.
 - 3. Signage shall be limited to building-mounted signs with a maximum sign area not to exceed five (5) square feet total as per the incidental sign regulations.

3. Non-Residential Accessory Uses:

- a. Containers used as an accessory building for commercial use shall be located in accordance with the setbacks applicable to the principal structure on the lot or parcel on which they are located.
- b. Containers used as accessory structures shall not be located within any required off-street parking spaces, vehicle driveways or drive aisles, fire lanes, or pedestrian facilities.
- c. All shipping containers used as accessory structures shall be treated, painted, and maintained in good condition at all times with no visible structural damage, corrosion, or graffiti.

* * *

Section 3. That if any section, clause, sentence or phrase of this Ordinance is for any reason held invalid or unconstitutional by a court of competent jurisdiction, the holding shall not affect the validity of the remaining portions of this Ordinance.

Section 4. That all ordinances or parts of ordinances in conflict with the provisions of this Ordinance are repealed to the extent of such conflict.

Section 5. It is the intention of the Mayor and City Commission of the City of Dania Beach, and it is hereby ordained that the provisions of this ordinance shall become and be made a part of the Code of the City of Dania Beach, Florida. The sections of this ordinance may be renumbered or re-lettered to accomplish such intention, and the word "ordinance" may be changed to "section," "article," or other appropriate word.

Section 6. That this Ordinance shall be effective 10 days after passage on second reading.

PASSED on first reading on _____, 2024.

PASSED AND ADOPTED on second reading on _____ 2024.

First Reading:

Motion by: _____

Second by: _____

Second Reading:

Motion by: _____

Second by: _____

FINAL VOTE ON ADOPTION: Unanimous _____

Yes No

Commissioner Joyce L. Davis _____

Commissioner Tamara James _____

Commissioner Marco Salvino _____

Vice Mayor Lori Lewellen _____

Mayor Archibald J. Ryan IV _____

ATTEST:

ELORA RIERA, MMC
CITY CLERK

ARCHIBALD J. RYAN IV
MAYOR

APPROVED AS TO FORM AND CORRECTNESS:

EVE A. BOUTSIS
CITY ATTORNEY



Standard Development Application

- Administrative Variance
- Land Use Amendment
- Plat
- Rezoning
- Site Plan
- Special Exception
- Variance
- Other: _____

Date Rec'd: 02/08/2024

Petition No.: TX-007-24

(SEE APPLICATION TYPE SCHEDULE ON PAGES 3 & 4)

THIS APPLICATION WILL NOT BE ACCEPTED UNTIL IT IS COMPLETE AND SUBMITTED WITH ALL NECESSARY DOCUMENTS. Refer to the application type at the top of this form and "Required Documentation" checklist to determine the supplemental documents required with each application. For after the fact applications, the responsible contractor of record shall be present at the board hearing. Failure to attend may impact the disposition of the application. The applicant or their authorized legal agent must be present at all meetings. All projects must also obtain a building permit from the City Building Division.

The City's DRC process requires a hard copy of the application and application fee payment to be submitted to City Planning staff BEFORE electronic submittal will be accepted for processing. Applications will only be accepted on the submittal date identified on the annual DRC Meeting Deadline schedule. The application must identify the number of proposed residential dwelling units and/or the square footage of commercial/industrial use, as applicable. Once the application and fee are received a file number will be issued which must be used to identify the project when submitting electronically. Once the file number is issued, the applicant has 24 hours to load the plans electronically. Failure to submit within 24 hours will require the application to begin again the following month.

Location Address: 100 W DANIA BEACH BLVD

Lot(s): _____ Block: _____ Subdivision: _____

Recorded Plat Name: _____

Folio Number(s): _____ Legal Description: _____

Applicant/Consultant/Legal Representative (**circle one**) CITY OF DANIA BEACH

Address of Applicant: _____

Business Telephone: _____ Home: _____ Fax: _____

E-mail address: _____

Name of Property Owner: CITY OF DANIA BEACH

Address of Property Owner: 100 W DANIA BEACH BLVD

Business Telephone: _____ Home: _____ Fax: _____

Explanation of Request: Text Amend to Sec.105-90(g) for the use of shipping containers
*Please provide proposed **Plat Name** & **Criteria Statement** as required by the City's **Land Development Code**.*

Prop. Net Acreage: _____ Gross Acreage: _____ Prop. Square Footage: _____

Existing Use: _____ Proposed Use: _____

Is property owned individually, by a corporation, association, or a joint venture? _____

AUTHORIZED REPRESENTATIVE

I/we are fully aware of the request being made to the City of Dania Beach. If I/We are unable to be present, I/we hereby authorize _____ (individual/firm) to represent me/us in all matters related to this application. I/we hereby acknowledge that the applicable fee was established to offset administrative costs and is not refundable.

I/we are fully aware that all approvals automatically expire within 12 months of City of Dania Beach Planning and Zoning Board or City Commission approval, or pursuant to the expiration timeframe listed in Part 6 of the Dania Beach Land Development Code.

STATE OF FLORIDA
COUNTY OF BROWARD
The foregoing instrument
Was acknowledged

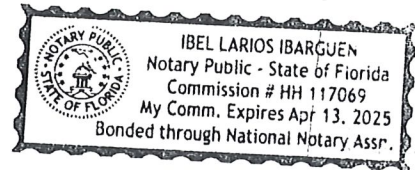
By: [Signature]
(Owner / Agent signature*)

BEFORE ME THIS 8th DAY OF February, 2024

By: [Signature]
(Print name of person acknowledging)

(Joint owner signature if applicable)

Notary [Signature]
(Signature of Notary Public – State of Florida)



Personally known X or Produced Identification _____

Type of identification produced: _____ or Drivers License _____

***If joint ownership, both parties must sign. If partnership, corporation or association, an authorized officer must sign on behalf of the group. A notarized letter of authorization from the owner of record must accompany the application if an authorized agent signs for the owner(s).**

NO APPLICATION WILL BE AUTOMATICALLY SCHEDULED FOR A MEETING.

ALL APPLICATIONS MUST BE DETERMINED COMPLETE BY STAFF BEFORE PROCESSING OCCURS.