

ORDINANCE NO. 2025-008

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DANIA BEACH, FLORIDA, TO AMEND CHAPTER 28, OF THE “LAND DEVELOPMENT CODE”, OF THE CITY’S CODE OF ORDINANCES BY AMENDING ARTICLE 105, ENTITLED “USE REGULATIONS FOR RESIDENTIAL AND OPEN SPACE ZONING DISTRICTS”, AT SECTION 105-160, ENTITLED “ACCESSORY BUILDINGS AND STRUCTURES”, CREATING SECTION 105-260, ENTITLED “ACCESSORY DWELLING UNITS”; AMENDING ARTICLE 725, ENTITLED “DEFINITIONS” AT SECTION 725-30, ENTITLED “TERMS DEFINED”; AMENDING ARTICLE 230, ENTITLED “SPECIAL FLOOR AREA, BUILDING DIMENSION AND BUILDING SIZE STANDARDS,” AT SECTION 230-50, ENTITLED “MAXIMUM ALLOWABLE FLOOR AREA FOR ACCESSORY BUILDINGS AND STRUCTURES IN THE E-1, RS-18000, RES-12000, RS-8000, NBHD-RES, RMH, AND RD-8000 DISTRICTS”; AND AMENDING SECTION 230-40, ENTITLED “MINIMUM FLOOR AREAS FOR DWELLINGS AND LODGING UNITS” IN ORDER TO DEFINE “ACCESSORY DWELLING UNITS”, AND TO CREATE REGULATIONS AND DESIGN GUIDELINES FOR ACCESSORY DWELLING UNITS; PROVIDING FOR CONFLICTS; SEVERABILITY; CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, pursuant to Sec. 163. 31771, Fla. Stat., the Community Development Department proposes to enable additional affordable housing units by amending the City of Dania Beach Land Development Code (LDC) to allow for accessory dwelling units (ADUs) on single family properties throughout the City, and to provide regulations to manage the use of the newly created ADUs; and

WHEREAS, an ADU is 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 principal dwelling unit; and

WHEREAS, the proposed text amendment aims to offer extra rental income for single-family homeowners, while ensuring that ADUs are created in a way that maintains the character and integrity of single-family homes and neighborhoods through specific design and development requirements; and

WHEREAS, ADUs contribute to meeting the affordable housing requirements outlined in the City’s Housing Element within the City’s Comprehensive Plan, and the text amendments align with the Comprehensive Plan by supporting its policies and objectives; and

WHEREAS, the Planning and Zoning Board, sitting as the City’s Local Planning Agency, has reviewed this Ordinance, and has determined that it is consistent with the City’s Comprehensive Plan; and

WHEREAS, the Community Development Department Staff recommends that the City Commission find the proposed amendment to adopt the Code for ADU to be in support of public interest.

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 Article 105 “Use Regulations For Residential And Open Space Zoning Districts” of the City of Dania Beach Land Development Code is amended to read as follows:

* * *

**CHAPTER 28
LAND DEVELOPMENT CODE**

* * *

ARTICLE 105. USE REGULATIONS FOR RESIDENTIAL AND OPENSOURCE ZONING DISTRICTS.

* * *

Sec. 105-260. – Accessory Dwelling Units.

(A) Purpose and intent. It is the purpose and intent of this section to establish defined regulatory guidelines that promote the development of accessory dwelling units in a manner that does not change the character of our single-family neighborhoods and to support Section 163.31771 of the Florida Statutes to offer more affordable housing through the permitting of accessory dwelling units in single-family districts.

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

(1) Accessory Dwelling Unit (ADU) means 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 principal dwelling unit on a single-family zoned lot. This shall not be considered a multi-family use.

(2) Principal Dwelling Unit means the single-family home developed on the lot subject to all requirements of the zoning district to which it is located.

(C) Districts Permitted.

- (1) Subject to all requirements of this section, accessory dwelling units are permitted on residential single-family lots within any zoning district where single-family residential use is permitted.
- (2) In areas designated residential multi-family, ADUs are only permitted on lots that contain a single-family dwelling.
- (3) In districts where single-family homes are no longer permitted, legally non-conforming single-family dwellings within those districts are permitted to construct an ADU consistent with the regulations set forth in this section. Except for the following:
 - (a) ADUs are not permitted within the mixed-use CRA form-based districts.
 - (b) Accessory dwelling units are not permitted in any industrial, commercial, residential office, or marine-zoned district.

The following chart details the permissibility of accessory dwelling units within the residential single-family, multi-family, and neighborhood-zoned districts.

<u>Legend</u>		
<u>P</u>	-	<u>Permitted</u>
<u>NP</u>	-	<u>Not Permitted</u>
<u>C</u>	-	<u>Permitted upon the condition that it must be located on a single family lot</u>

<u>Zoning District</u>	<u>Permissibility</u>
<u>NBHD-RES</u>	<u>P</u>
<u>NBHD-RES*</u>	<u>P</u>
<u>NBHD-MU</u>	<u>NP</u>
<u>RS-6000</u>	<u>P</u>
<u>RS-8000</u>	<u>P</u>
<u>RD-8000</u>	<u>C</u>
<u>RS-12000</u>	<u>P</u>
<u>RM</u>	<u>NP</u>
<u>RM-1</u>	<u>C</u>
<u>RM-2</u>	<u>C</u>
<u>RM-3</u>	<u>C</u>
<u>RMH</u>	<u>NP</u>
<u>E-1</u>	<u>P</u>
<u>PMUD</u>	<u>NP</u>

<u>PMUD-SL</u>	<u>NP</u>
<u>PRD-1</u>	<u>C</u>

(D) General Requirements.

- (1) Accessory dwelling units shall not be used as a short-term rental as defined and regulated in Chapter 16 of the City's Code of Ordinances.
- (2) An ADU shall have an occupancy classification of "single-family residence" pursuant to the Florida Building Code, Residential, Eighth Edition, and at no time shall the occupancy of an ADU exceed the maximum occupant load for the property under the Florida Building Code.
- (3) Owners must ensure that when a family is renting an ADU, the structure meets minimum dwelling requirements for the size of the family projected to reside within, subject to Sec. 8-21. See additional regulations regarding rental id ADU in Section 105-260 (F)(2).
- (4) No more than one ADU shall be permitted on a lot developed with a principal dwelling. The ADU may be a separate detached unit, an attached unit to the primary dwelling, or a repurposed existing space within the primary dwelling, including garage conversions.
- (5) An ADU over a garage or a similar structural form shall be permitted only when the principal dwelling on the lot has two stories.
- (6) Recreational vehicles, travel trailers, mobile houses, or similar structures are not permitted to be used as accessory dwelling units.
- (7) The design of the accessory dwelling unit shall be compatible and complementary and share an aesthetic likeness to the principal dwelling structure.
- (8) The ADU shall not be sold separately from the primary dwelling. nor shall the land ever be subdivided.
- (9) This section does not exempt property owners from complying with and obtaining Homeowner Association (HOA) or Community Management approval.

(E) Design Guidelines.

- (1) Accessory dwelling units must comply with all requirements of the zoning district to which it is located but must adhere to these additional requirements:
 - (a) Maximum Floor Area: The square footage of an accessory dwelling unit shall not exceed fifty percent (50%) of the square footage of the principal building or five

hundred square feet (500 Sq Ft) and must be a minimum of three hundred and fifty square feet (350 Sq Ft).

- (b) Base Components: an accessory dwelling unit shall have, at a minimum, a fully functioning food preparation area, a sleeping area, one (1) bathroom, and a separate entrance from the outside.
- (c) Parking: At least one (1) off-street parking space shall be provided for the ADU in addition to the parking requirements set forth in Article 265 for the principal use.
- (d) Setbacks: ADUs will follow all setbacks set forth Sec. 215-90.
- (e) Height: The height of an ADU may not exceed the tallest point of the principal structure.
- (f) Utilities: An ADU may have separate electrical, gas, and other types of utility meters from the principal structure.
- (g) Address: An ADU may obtain a separate house or unit address from the principal structure. Any new address must be assigned by the City.
- (h) Impervious Standards and Landscaping: Must maintain impervious areas pursuant to Article 27, Section 27-227, Article 215 and Article 275 of this Code.
- (i) All ADUs must include a minimum of five (5) green design practices, as established in Sec. 206-80 of this Code.

(F) Permit Required.

- (1) No ADU shall be constructed, or a portion of a primary dwelling renovated or repurposed to accommodate an ADU before an approved building permit for such work is issued.
- (2) In addition to these requirements, property owners must receive and maintain a Certificate of Use and an active Local Business Tax Receipt prior to renting an Accessory dwelling unit on their property.

Section 3. That all ordinances or part of ordinances in conflict with the provisions of the Ordinance are repealed.

Section 4. That 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 5. That this Ordinance shall be effective 10 days after passage on second reading.

PASSED on first reading on March 11, 2025.

PASSED AND ADOPTED on second reading on April 22, 2025.

First Reading:

Motion by: Vice Mayor Salvino

Second by: Commissioner Ryan

Second Reading:

Motion by: Vice Mayor Salvino

Second by: Commissioner Lewellen

FINAL VOTE ON ADOPTION: Unanimous X

Yes No

Commissioner Lori Lewellen _____

Commissioner Luis Rimoli _____

Commissioner Archibald J. Ryan IV _____

Vice Mayor Marco Salvino _____

Mayor Joyce L. Davis _____

ATTEST:



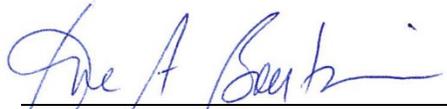
ELORA RIERA, MMC
CITY CLERK





JOYCE L. DAVIS
MAYOR

APPROVED AS TO FORM AND CORRECTNESS:



EVE A. BOUTSIS
CITY ATTORNEY