

## ORDINANCE 2146

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FORT WALTON BEACH, FLORIDA; AMENDING CHAPTER 5 OF THE LAND DEVELOPMENT CODE FOR SUPPLEMENTAL STANDARDS FOR STORAGE BUILDINGS, STORAGE SHEDS, GREENHOUSES, AND DETACHED GARAGES OR CARPORTS; PROVIDING FOR AUTHORITY; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE**

**WHEREAS**, the Growth Management Department has seen an increase in building permit applications to install shipping containers to be used as permanent storage; and

**WHEREAS**, Land Development Code section 5.01.07 provides requirements for Storage Buildings, Storage Sheds, Greenhouses, and Detached Garages or Carports; and

**WHEREAS**, Land Development Code section 5.01.07 lacks any requirements for the use of shipping containers as permanent storage.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF FORT WALTON BEACH, FLORIDA, AS FOLLOWS:**

### **Section 1. Authority and Intent**

The authority for enactment of this ordinance is contained in Chapter 166.021, 163.3202, and other provisions of the Florida Statutes and Section 2 of the City Charter.

### **Section 2. Amendment of Land Development Code Chapter 5 – Accessory Structures and Uses in All Zoning Districts.**

#### **5.01.07 Storage Buildings, Storage Sheds, Shipping Containers, Greenhouses, and Detached Garages or Carports.**

- A. Storage buildings, storage sheds, shipping containers, and detached garages in the CG, and MB zoning districts that exceed 600 square feet of floor area, must provide brick veneer, stone, stucco, or other similar decorative materials to the façade on all sides of the building that are visible from the public right-of-way.
- B. Detached garages and carports shall not exceed twenty (20) feet in height.
- C. A detached garage may be located within the front yard in the R-1E zoning, provided that the detached garage or carport shall comply with the setback standards for the R-1E zoning district set forth in Section 4.01.01.
- D. Storage buildings, storage sheds, shipping containers, greenhouses, detached garages, and carports shall not be located within any required buffer area, required landscaped area, required parking lot landscaping, stormwater management area, driveway, or easement.
- E. Vehicles shall not be used as storage buildings, utility buildings or other such uses. “Vehicles” include but are not limited to: travel trailers, motor homes, and similar recreational vehicles; manufactured housing and mobile homes; trucks; vans; boats; cargo trailers; or other similar vehicles.
- F. A “Shipping container” for purposes of this Section 5.01.07, is defined as a rectangular standardized, reusable steel box, with the capability to be stacked and moved efficiently on

ships or trains, and designed for the secure storage and transport of goods and materials. Shipping containers shall only be installed and used as accessory structure storage buildings, and no other use whatsoever, per the following standards, in addition to those listed above in sections A through E:

1. Shipping containers installed on property within the City shall comply with the Florida Building Code, Florida Fire Prevention Code, and shall require a building permit.
2. Any shipping container shall be installed on its own dedicated permanent foundation, and not stacked on top of any other building or structure.
3. No more than one shipping container shall be installed per property.
4. Shipping containers shall not be located within any required off-street parking spaces, vehicle driveways or drive aisles, fire lanes or pedestrian facilities.
5. Shipping containers shall be painted and maintained in good condition at all times with no visible structural damage, corrosion or graffiti.
6. Shipping containers visible from a right-of-way shall be screened with sight-obscuring fencing or landscaping. In lieu of screening with sight-obscuring fencing or landscaping, shipping containers may provide brick veneer, stone, stucco, or other similar decorative materials to the façade on all sides of the shipping container that are visible from the public right-of-way.
- ~~7. Shipping containers are prohibited within the Community Redevelopment Area.~~
78. Shipping containers shall not be permitted for any advertising purpose and shall be kept clean of all alpha-numeric signage and writing except where markings, labels and placards may be required in accordance with the United States Department of Transportation Emergency Response Guide.
89. Shipping containers shall not be installed or located in front yards.
- ~~940. Shipping containers allowed per Section 5.01.07 shall not be used for any commercial use, be used as habitable space, or be rented out for any use. This shall not prohibit the usage of shipping containers as a legally permitted dwelling in accordance with Section 4.01.02 or Section 5.01.02.~~
1044. Mattresses or beds shall not be stored or located within a shipping container.
1142. Shipping containers shall not be hooked up to any water or sewer utility, or any septic tank system.
1243. Shipping Containers shall be installed so that that the longer side of the Shipping Container lies flat against its foundation.

### **Section 3. Applicability**

For the purposes of jurisdictional applicability, this ordinance shall apply in the City of Fort Walton Beach. This ordinance shall apply to all applications for development, including building permit applications and subdivision proposals, submitted on or after the effective date of this ordinance.

### **Section 4. Inclusion into the Land Development Code**

It is the intent of the City Council that the provisions of this ordinance shall become and be made a part of the City of Fort Walton Beach's Land Development Code, and that the sections of this ordinance may be renumbered or re-lettered and the word "ordinance" may be changed to "section," "article," "regulation," or such other appropriate word or phrase in order to accomplish such intentions.

#### **Section 5. Severability**

In the event any provision of this Ordinance or the application thereof to any person or circumstance is held invalid, it is the intent of City Council that such invalidity shall not affect any other provisions of the Ordinance which may be given effect without the invalid provision or application, and, to this end, the provisions of this Ordinance are declared severable.

#### **Section 6. Findings**

The City Council of the City of Fort Walton Beach finds that the Local Planning Agency reviewed and recommended approval of the ordinance on May 2<sup>th</sup>, 2024.

The City Council of the City of Fort Walton Beach finds that the proposed ordinance is consistent with the goals, objectives, and policies of the City's Comprehensive Plan.

The City Council of the City of Fort Walton Beach finds that all notice requirements for enactment of the ordinance have been met in accordance with the Florida Statutes and the City's Land Development Code.

#### **Section 7. Effective Date**

This ordinance shall take effect immediately upon approval on second reading by the City Council and signature of the Mayor.

Adopted: June 11, 2024

Additions are underlined; deletions are stricken.