



## City of Dania Beach Community Development Memorandum

**DATE:** 3/11/2025

**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

**SUBJECT: TX-053-24:** The applicant, the City of Dania Beach, is requesting to create a new ordinance within the City's Code of Ordinances, Land Development Code (LDC), adding Accessory Dwelling Unit regulations and design guidelines for their use (FIRST READING).

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### **Request:**

Amend the City's Land Development Code to establish regulations for Accessory Dwelling Units (ADUs).

### **Background:**

The increase in the cost of housing and consumer goods in recent years have created a need for more affordable housing options and other avenues of extra income for many Florida communities. Several surrounding municipalities have created accessory dwelling unit ordinances, citing family flexibility, affordable rent options, care for elderly relatives, and workforce housing, among other reasons, for enacting them.

Allowing residents to construct ADUs within their single-family lot will offer more affordable housing options and provide our single-family homeowners with a source of additional income.

The following surrounding municipalities have enacted ADU ordinances:

- Hallandale Beach
- Hollywood
- Fort Lauderdale
- Pompano Beach
- Coral Springs
- North Miami
- Miramar

- Tamarac

While this amendment will allow ADU to be added to existing single-family properties, the density of the Zoning and underlying Future Land Use designations is not changing by way of this ordinance, rather, we are looking to what the Broward County Land Use Plan provides for:

“POLICY 2.2.5 A studio housing unit or efficiency housing unit, no greater than 500 square feet in size may be counted by the local government as 0.5 dwelling units for residential density calculations.”

For the purposes of Broward County’s Land Use Plan, the following is their adopted definition (please see Broward Land Use Plan Section 2: Definitions):

“EFFICIENCY OR STUDIO DWELLING UNIT - means an apartment in which one room typically contains the kitchen, living, and sleeping quarters, with a separate bathroom. Efficiency or studio dwelling units no greater than 500 square feet in size may be counted by the local government as 0.5 dwelling units for residential density calculations.”

Because of the size and definition of how the Accessory Dwelling Units are aligned – and such that the Accessory Dwelling Units provide for the above is not mutually exclusive (it can be an ADU and an efficiency), that the application of the ordinance here from a density standpoint isn’t one that changes the numbers in the future land use plan, but rather, instead of 1 unit, it is 0.5 units in calculation, as approvable under Broward County rules for local governments in its jurisdiction.

Therefore, the density as approved in the land use isn’t modified. The underlying land still must have the capacity to add the ADU. For example, you have a 0.25-acre property, and a 0.4 acre property, both in a 4 du/acre area. Under the 1<sup>st</sup> property, you are allowed 1 dwelling unit ( $0.25 \times 4 = 1$ ). Under the second, you are allowed 1.6 dwelling units ( $0.4 \times 4 = 1.6$ ). Under the first property, you can only have the single dwelling unit, at 1. Under the second, you are allowed both a dwelling unit and an ADU, because of how its calculated) –  $1 + 0.5$ ). If Broward County Policy 2.2.5 did not exist, both would only be allowed 1 unit, no ADUs. This distinction for ADUs for affordable housing is an explicit effect of why Broward County adopted its regulations the way it did to allow local governments to do this specific form of density calculation.

This proposal defines an ADU with the following characteristics:

- Minimum floor area of 350SF
- Maximum floor area not to exceed 50 % of the principal structure or 500SF, whichever is less.
- Minimum of 1 parking space is required

This application requires two (2) readings at the City Commission.

### **Budgetary Impact**

None.

**Recommendation****Planning and Zoning Board Action**

On February 19, 2025, the Planning and Zoning Board recommended approval of the text amendment adding Accessory Dwelling Unit regulations to the City's Land Development Code.

**Recommendation**

Staff is recommending the City Commission approve the ordinance establishing Accessory Dwelling Unit regulations first reading.

**ORDINANCE NO. 2025-\_\_\_\_\_**

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 “DEFINTIONS” AT SECTION 725-30, ENTITLED “TERMS DEFINED”; AMENDING ARTICLE 230, ENTITLED “SPECIAL FLOOR AREA, BUIDLING DIMENSION AND BUILDIN 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>

PMUD-SL	NP
PRD-1	C

*(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 \_\_\_\_\_, 2025.

**PASSED AND ADOPTED** on second reading on \_\_\_\_\_ 2025.

First Reading:

Motion by: \_\_\_\_\_

Second by: \_\_\_\_\_

Second Reading:

Motion by: \_\_\_\_\_

Second by: \_\_\_\_\_

FINAL VOTE ON ADOPTION: Unanimous \_\_\_\_\_

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



City of Dania Beach, Florida  
Department of Community Development  
Planning and Zoning Division  
(954) 924-6805 X3643  
(954) 922-2687 Fax

## Standard Development Application

- ☐ Administrative Variance
- ☐ Land Use Amendment
- ☐ Plat
- ☐ Rezoning
- ☐ Site Plan
- ☐ Special Exception
- ☐ Variance
- ☐ Other: \_\_\_\_\_

Date Rec'd: 12/04/24

Petition No.: TX-053-24

(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: CITY WIDE

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: 100 W DANIA BEACH BLVD

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:** AMEND THE CITY'S LAND DEVELOPMENT CODE TO ESTABLISH REGULATIONS FOR ACCESSORY DWELLING UNITS (AUDs)

*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\*)

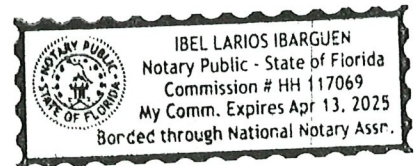
BEFORE ME THIS 5th DAY OF December, 2024

By:

Eleanor Norena  
(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.***