

**ORDINANCE NO. 2018 – 025**

**AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF HALLANDALE BEACH, FLORIDA, AMENDING CHAPTER 32 “ZONING AND LAND DEVELOPMENT CODE”; ARTICLE IV, DEVELOPMENT STANDARDS, DIVISION 10; SPECIFICALLY AMENDING SECTION 32-431, “PERMITTED”; ALLOWING FOR THE USE OF CARGO CONTAINERS AS CONSTRUCTION MATERIAL FOR PERMANENT BUILDINGS; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, the use of cargo or shipping containers is becoming more common in residential and commercial construction, as they are deemed an innovative, affordable, and environmentally-friendly alternative to construction materials; and

**WHEREAS**, on May 23, 2018, the Planning and Zoning Board, serving as the Local Planning Agency, considered the proposed ordinance, afforded all interested persons an opportunity to be heard at the public meeting, and recommended approval as provided herein; and

**WHEREAS**, the Mayor and City Commission conducted a first and second reading of this Ordinance at duly noticed public hearings, as required by law. After having received input from and participation by interested members of the public and staff, the Mayor and City Commission have determined that this Ordinance is consistent with the City's Comprehensive Plan and in the best interest of the City, its residents, and its visitors; and

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

**SECTION 1.** The foregoing “Whereas” clauses are hereby incorporated herein.

**SECTION 2.** Chapter 32 “Zoning and Land Development Code” of the Code of Ordinances of the City of Hallandale Beach, Florida is hereby amended to read as follows:

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## Division 10. – Temporary Structures and Uses

**Section 32-431. Permitted**

In any zoning district, temporary structures, such as trailers and cargo containers, shall be permitted in connection with the sale or development of an active construction site subject to the following restrictions:

- (1) Construction structures such as trailers and cargo containers shall only be permitted for the duration of a construction phase, beginning with the date a building permit is issued and continuing not longer than the date a certificate of occupancy is issued for the development, but not to exceed a period of two years.
  - a. Stacking. Cargo containers may not be stacked.
- (2) The city manager may exempt such structures from the setback requirements of the applicable zoning district provided it is placed in a manner as to provide unobstructed cross visibility at a right-of-way intersection or accessways required by section 32-384(i) and to reduce any adverse impacts on abutting properties.
- (3) Sales trailers shall only be permitted for multi-family residential projects with 25 or more units.
- (4) The use of sales trailers and cargo containers shall cease at the time the certificate of occupancy is issued for the project or when the first component or building is completed, whichever is earlier, but not exceed a period of two years.
- (5) The above restrictions do not apply when as part of a development permit, cargo containers are included as construction material in the construction of the permanent building, as long as approved by the Director of Development Services in compliance with applicable provisions of the zoning and land development code of the City, the Florida Building code, Florida Fire Prevention Code, and other applicable local, state, and federal laws. City Commission approval is required if the proposed cargo container is proposed without cladding or with exposed metal panel.

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**SECTION 3. Conflict.** All ordinances or portions of the Code of Ordinances of the City of Hallandale Beach in conflict with the provisions of this ordinance shall be repealed to the extent of such conflict.

**SECTION 4. Severability.** Should any provision of this ordinance be declared by a court of competent jurisdiction to be invalid, the same shall not affect the validity of the ordinance as a whole, or any part thereof, other than the part declared to be invalid.

**SECTION 5. Codification.** It is the intention of the Mayor and City Commission that the provisions of this ordinance be incorporated into the Code of Ordinances; to effect such intention the words "ordinance" or "section" may be changed to other appropriate words.

**SECTION 6. Effective date.** This Ordinance shall take effect immediately upon adoption.

PASSED AND ADOPTED on 1<sup>st</sup> reading on August 15, 2018.

PASSED AND ADOPTED on 2<sup>nd</sup> reading on September 17, 2018.

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KEITH S. LONDON  
MAYOR

SPONSORED BY: CITY ATTORNEY

ATTEST:

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JENORGEN GUILLEN  
INTERIM CITY CLERK

APPROVED AS TO LEGAL SUFFICIENCY  
AND FORM

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JENNIFER MERINO  
CITY ATTORNEY