

SECTION 18-40. Emergency waiver of non-conforming land uses and structures for post-disaster temporary accommodations

(a) Definitions.

Disaster means any natural, technological, or civil event necessitating the declaration of a state of emergency by the city, the governor of the state, or the President of the United States. Such events may include, but not be limited to, hurricanes, storms, floods, severe wave action, severe wind damage, tornados, fire damage to numerous structures, earthquake, enemy attack, sabotage, terrorism, civil unrest, transportation accident, radiological accident, or chemical or other hazardous material incident.

Uninhabitable means any structure located in the city which is determined by the building official based on criteria contained in the Florida Building Code and other applicable local, state, and federal regulations to be so damaged, dilapidated, or unsafe that it creates a serious hazard to the health, safety or welfare of the occupants or the public, or which lacks illumination, ventilation, or sanitation facilities adequate to protect the health, safety or welfare of the occupants or the public; and which was rendered to be unfit for human habitation by a disaster.

(b) Rehabilitation or construction of a residence.

When a disaster has rendered a single-family residence uninhabitable, a maximum of one mobile home, manufactured home or recreational vehicle may be temporarily permitted on the single-family lot or off-site, subject to the conditions set forth in this section, during rehabilitation of the original residence or construction of a new residence on the existing site, regardless of zoning district requirements. In those instances where the site of the damaged residential structure is not suitable for temporary placement of a recreational vehicle, mobile or manufactured home, the property owner may designate an alternative site, provided that the temporary use can be located on the alternative site in compliance, to the extent possible with the locational and setback standards for accessory structures. When an alternative site is proposed, the permit applicant and the owner of the alternative site shall be noted on the required permit application and an agreement for permission from the site owner to allow the applicant use of the alternative site and removal of the temporary recreational vehicle, mobile or manufactured home shall be stipulated on the application. All alternative site locations shall require the approval of the city manager or his/her designee.

(c) Rehabilitation or reconstruction of non-residential structures.

When a disaster has rendered a non-residential structure uninhabitable, Florida Department of Community Affairs approved manufactured buildings may be temporarily permitted on-site to allow the enterprise to carry out its activities during the rehabilitation of the original structure or construction of a new structure. Such temporary non-residential structures may be permitted only for use on the site of the damaged structure.

(d) Multiple housing sites.

Housing sites for multiple temporary dwelling units established by the Federal Emergency Management Agency and approved by the City Council, may be established in any zoning district.

(e) Procedures for implementation of this section.

- i. The city council may authorize the implementation of this section by resolution or, in the event that a meeting of the city council cannot be scheduled within one week of a declaration of state of emergency, the mayor, vice-mayor or city manager may implement the provisions of this article upon determining that post-disaster circumstances are such that adequate repair or reconstruction of a significant number of structures in the city or in specific areas of the city will require substantial time to complete.
- ii. After a determination that the implementation of this section is desirable, permits allowing temporary waiver of non-conformity shall be allowed. Such permits shall be issued only upon the determination of the building official that the original structure is uninhabitable.
- iii. The initial term of the permit allowing a non-conforming structure to remain in use and on site will be 270 days from the date of a declaration of a state of emergency. After this initial term, should the city council determine that circumstances are such that safe and efficient reconstruction of damaged properties warrant the extension of the permit period, the council may issue a resolution allowing for a 90 day extension of all issued permits. The city council may grant additional extensions by resolution.
- iv. Should the city council determine that extension of all temporary non-conformity use permits issued pursuant to this section is not necessary, the council may, by resolution, authorize staff to grant extensions to individual permit holders who were unable to complete reconstruction in the permitted time because of extenuating circumstances beyond the permit holder's control including, but not limited to, a local shortage of building materials, or properly licensed contractors.
- v. Without requiring an extension of a previously issued temporary non-conformity use permit, a new temporary non-conformity use permit may be issued for a structure damaged by a subsequent disaster, if that structure was previously issued a temporary non-conformity use permit which has not expired, and so long as the terms of this article were activated by the city manager to address damage caused by the subsequent disaster.
- vi. As a condition for receiving a temporary non-conformity use permit, the applicant must complete an application including proof of ownership and an agreement with the city wherein the applicant shall agree to remove the temporary recreational vehicle, mobile or manufactured home, or manufactured building within 30 days of the issuance of the Certificate of Occupancy or Certificate of Completion for the new or rehabilitated residential or non-residential use or upon expiration of the temporary non-conformity use permit, whichever occurs first. The city council delegates the authority to execute the provisions of the contract on behalf of the city to the city manager or designee.

(f) Conditions for use and limitations. For all temporary uses allowed by this section, the following shall apply:

- i. No tents shall be permitted;
- ii. Required electrical, water and sanitary facilities must be provided; siting of the recreational vehicle, mobile or manufactured home or manufactured building must comply with all current codes and regulations, except parking requirements, including floodplain management;

- iii. The recreational vehicle, mobile or manufactured housing is intended for the sole occupancy by the existing residents of the damaged residential structure;
- iv. Electrical service must be available on site and have a proper connection for a recreational vehicle, mobile or manufactured housing unit;
- v. Only a licensed mobile/manufactured home installation contractor will be allowed to apply for a permit and perform any work related to the connection of plumbing, electrical, sewer and mechanical service systems to the site;
- vi. Legal and proper disposal of all sanitary sewer and storm water is required; no portable toilet facilities will be permitted;
- vii. Water and/or sewer connection to previously un-served locations will require permits and the payment of applicable connection fees;
- viii. No person shall occupy a recreational vehicle, mobile or manufactured home, or manufactured building unit prior to inspection of the unit by the City and the issuance of a Certificate of Occupancy, or temporary Certificate of Occupancy, as determined by the City's Building Official or his/her designee;
- ix. The recreational vehicle, mobile or manufactured home, or manufactured building must be removed from the property no later than 30 days after the Certificate of Occupancy or a Certificate of Completion is issued for the new or rehabilitated residence or non-residential use or upon expiration of the temporary use permit, whichever occurs first. The city shall remove the temporary structure at the expense of the permit holder should the permit holder fail to comply with the removal requirement.