



Legislation Text

File #: ORD 2015-015, **Version:** 1

AGENDA ITEM REPORT

TITLE:

AN ORDINANCE AMENDING CHAPTER 6, CODE OF ORDINANCES, ENTITLED "BUILDINGS AND BUILDING REGULATIONS," BY ADOPTING A NEW ARTICLE V, ENTITLED, "EMERGENCY TEMPORARY HOUSING," TO PROVIDE FOR THE USE OF TEMPORARY HOUSING DURING DECLARED HOUSING EMERGENCIES.

BACKGROUND:

The City desires to amend Chapter 6 of the Code of Ordinances, entitled "Building and Building Regulations" by adopting a new Article V, entitled "Emergency Temporary Housing." This amendment will allow the City, under its Home Rule Authority, to regulate housing in the event of a natural or man-made disaster or emergency if the City Commission finds that it will be in the best interest of the health, safety, and welfare of the citizens of Coconut Creek.

DISCUSSION:

In 2009, the Federal Emergency Management Agency ("FEMA") released the National Disaster Housing Strategy which provides that temporary housing should be allowed to individuals affected by disasters and to provide for states to establish baseline disaster housing capabilities. In 2010, the Florida Division of Emergency Management examined and finalized Florida's comprehensive template that provides the basic framework for Federal, State, and local governments as well as nongovernmental partners involved in disaster housing operations.

In response, Broward County Emergency Management Division has been encouraging local municipalities to be more prepared in the event of a disaster. Key issues in disaster planning include allowing for minor repairs to be made to secure property and a provision for temporary housing should major damage occur to the existing housing stock. After disasters, it is common for municipalities to allow property owners to make repairs to existing structures prior to obtaining building permits. The City wants to sustain our communities by getting homeowners back in their homes as soon as possible following a disaster.

Broward County has requested for all cities in Broward County to adopt an emergency temporary housing ordinance.

RECOMMENDATION:

Staff recommends approval.

FISCAL IMPACT: N/A

ORDINANCE NO. 2015-015

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF COCONUT CREEK, FLORIDA, AMENDING CHAPTER 6, ENTITLED "BUILDINGS AND BUILDING REGULATIONS," OF THE CITY OF COCONUT CREEK CODE OF ORDINANCES BY ENACTING A NEW ARTICLE V, ENTITLED, "EMERGENCY TEMPORARY HOUSING," TO PROVIDE FOR THE USE OF TEMPORARY HOUSING DURING DECLARED HOUSING EMERGENCIES; PROVIDING FOR CODIFICATION; PROVIDING FOR CONFLICTS; AND PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City, under its Home Rule authority, has the authority to regulate housing within the City of Coconut Creek; and

WHEREAS, in the event of a natural or man-made disaster or emergency, the City Commission finds that it will be in the best interest of the health, safety, and welfare of the citizens of City of Coconut Creek to allow for the use of temporary housing; and

WHEREAS, the City Commission finds that the use of temporary housing requires proper permitting and regulation in order to insure that residents and neighborhoods are protected during the time of an emergency; and

WHEREAS, the City Commission finds that the adoption of these ordinance provisions is in the best interest of the health, safety, and welfare of the residents of the City of Coconut Creek.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF COCONUT CREEK, FLORIDA, AS FOLLOWS:

Section 1: The foregoing "WHEREAS" clauses are hereby ratified and confirmed as being true and correct and are hereby made a specific part of this Ordinance upon adoption hereof.

Section 2: That Chapter 6, "Buildings and Building Regulations", of the City of Coconut Creek Code of Ordinances be, and the same is hereby amended by enacting a new Article V, entitled "Emergency Temporary Housing", to read and provide as follows:

ARTICLE V. Emergency Temporary Housing

Section 6-55. Housing Emergency Declaration

- (a) Activation. Upon declaration of a state of emergency by the City Commission, and during the pendency thereof, the City Commission, as a part of the original declaration or at any time during the duration of a declared state of emergency, may declare a state of housing emergency for all or any part of the City of Coconut Creek.
- (b) Areas Embraced. Housing Emergency Declaration must define the boundaries of all areas subject to the terms of this Section. The areas embraced may include the entire area of the City, or any part thereof.
- (c) Termination

 - (1) A Housing Emergency Declaration survives the termination of the Declaration of Emergency, and may only terminate, in whole or in part, by formal action of the City Commission to amend or terminate the areas embraced by the Emergency Housing Declaration.
 - (2) Partial Termination. Through the adoption of a resolution, the City Commissioners may amend the Housing Emergency Declaration to either expand or contract the areas embraced. The expansion or contraction of the areas embraced shall be supported by findings regarding the status of the housing stock in the area being considered.
 - (3) The status of the housing emergency shall be evaluated 90 days after its declaration and every 90 days thereafter as long as the Housing Emergency Declaration is in effect to determine if formal action by the City Commission is warranted to amend or terminate the Declaration.
- (d) Effect of a Housing Emergency Declaration. Upon the activation of a Housing Emergency, the provisions of this ordinance shall become applicable in all the areas embraced by the Housing Emergency Declaration.

Section 6-56. Regulatory Provisions

- (a) Definitions:

 - (1) Essential Services: Services necessary to a basic standard of living and the general welfare of society. Services may include, but not limited to the following: electrical services, gas services, water and wastewater treatment services.

- (2) Owner-Builder: Owners of property, when acting as their own contractor and providing direct, onsite supervision themselves of all work performed not performed by licensed contractors, when building or improving single-family or two-family residences on such property for the occupancy or use of such owners and not offered for sale or lease by the owner-builder within one (1) year after completion of same.
 - (3) Pre-Fabricated Dwelling: A unit that is factory built or built on site from modular parts and generally does not have wheels.
 - (4) Recreational Vehicle: A vehicle built on a single chassis, 400 square feet or less, designed to be self-propelled or permanently towable by a light duty truck, and designed as temporary living quarters for recreational, camping, travel, or seasonal use.
 - (5) Temporary Housing: Temporary accommodations for individuals or families whose homes are made uninhabitable by an emergency or a major disaster that meets the physical accessibility needs of the household and includes essential utilities, access to areas for food preparation, and bath facilities in a context that allows a family to live together with a reasonable amount of privacy for a period generally up to eighteen months.
 - (6) Temporary Housing Unit: Manufactured housing, recreational vehicle, travel trailer, or pre-fabricated dwelling.
 - (7) Wrap-Around Services: The delivery of infrastructure and additional essential services to address disaster-related needs of affected residents living in community sites. These services go beyond the physical need for housing or political subdivision of a State and typically include basic social services and access to utilities, transportation, grocery stores, and medical and employment facilities.
- (b) Single-Family or Two-Family Residential Parcels. Upon the activation of a Housing Emergency Declaration and subject to the conditions contained in this Section, temporary housing units may be used as temporary housing by individuals who have been displaced from their private, primary residence that is deemed uninhabitable due to damage from a disaster, given the following conditions. Such primary residence is defined as a parcel normally designated by the applicable future land use plan map and/or by the applicable zoning map as being a detached, single family residential parcel, or a parcel allowing a duplex residence.
 - (1) A permit for a temporary housing unit must be obtained through the City of Coconut Creek Building Department.

- (2) The permit for a temporary housing unit shall be issued for no more than ninety (90) days. Permit extensions may be allowed as warranted up to a maximum of eighteen (18) months.
- (3) A maximum of one (1) temporary housing unit for each housing unit legally established on the property will be allowed on an existing home site provided:
- a. The home located on the site has been declared uninhabitable by the City's Building Official or his/her designee.
 - b. The water service and wastewater service must be properly connected to a functioning water service and sanitary sewer system or septic system in accordance with the codes in effect at the time. However, if connection to a functioning service is not feasible, other water and wastewater services may be utilized subject to the City's Building Department approval.
 - c. Setback requirements will be waived during the duration that the temporary housing unit is permitted. However, the temporary housing unit cannot extend into any adjacent public right-of-way, easement, or onto any adjacent property.
 - d. Electrical service must be available on site and have a proper connection for a temporary housing unit.
 - e. Only a licensed contractor or an owner-builder will be allowed to apply for a permit and perform any work related to the connection of plumbing, electrical and mechanical service systems at the site.
- (4) An application for a building permit to repair the residential structure shall be submitted no later than sixty (60) days after issuance of the temporary housing permit.
- (5) The temporary housing unit must be removed from the property no later than thirty (30) days from the date of the issuance of the certificate of occupancy, or a certificate of completion for the residential structure.
- (6) The City of Coconut Creek Building Department has the right to revoke the temporary housing permit in the event there exists unsafe or unsanitary conditions on the property, or in the event the owner does not comply with the provisions of this Section.

Section 3: That in the event any provision or application of this Ordinance shall be held to be invalid, it is the legislative intent that the other provisions and applications hereof shall not be thereby affected.

Section 4: That the provisions of this Ordinance shall be codified within the Code of Ordinances of the City of Coconut Creek, Florida, and any paragraph or section may be renumbered to conform with the Code of Ordinances.

Section 5: That all ordinances or parts of ordinances in conflict herewith are to the extent of said conflict, hereby repealed.

Section 6: That this Ordinance shall take effect immediately upon its passage and adoption.

PASSED FIRST READING THIS _____ DAY OF _____, 2015.

PASSED SECOND READING THIS _____ DAY OF _____, 2015.

Rebecca A. Tooley, Mayor

Attest:

Leslie Wallace May, MMC
City Clerk

Tooley	_____	_____
Belvedere	_____	_____
Sarbone	_____	_____
Welch	_____	_____
Rydell	_____	_____

WSS:lw/jw

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