

**ORDINANCE NO. 18-02**

**AN ORDINANCE OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA, AMENDING CHAPTER 30 "LAND DEVELOPMENT REGULATIONS" ARTICLE II "RULES OF CONSTRUCTION AND DEFINITIONS"; RELATED TO TEMPORARY EMERGENCY HOUSING; AND SPECIFICALLY AMENDING ARTICLE V "SCHEDULE OF DISTRICT USE AND DEVELOPMENT STANDARDS", DIVISION 8 "TEMPORARY USES INCLUDING PUBLIC ASSEMBLIES" TO REVISE REGULATIONS ALLOWING TEMPORARY HOUSING FOLLOWING A NATURAL OR MANMADE DISTASTER; PROVIDING FOR THE REPEAL OF ALL CODE PROVISIONS AND ORDINANCES INCONSISTENT WITH THIS ORDINANCE; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR THE TRANSMITTAL OF THIS ORDINANCE TO THE FLORIDA DEPARTMENT OF ECONOMIC OPPORTUNITY; AND PROVIDING FOR AN EFFECTIVE DATE**

**WHEREAS**, Chapter 252.38 (3) (a), Florida Statutes, give authority to political subdivisions to declare and enact a "State of Local Emergency" for a period of up to seven (7) days, thereby waiving the procedures and formalities otherwise required of the political subdivision by law pertaining to specific actions; and

**WHEREAS**, the Islamorada, Village of Islands (the "Village") Mayor declared a State of Local Emergency on September 6, 2017 due to Hurricane Irma; and

**WHEREAS**, Hurricane Irma, a Category 4 hurricane, made landfall in the Florida Keys on September 10, 2017, causing substantial damage to residences, businesses and infrastructure and loss of property throughout the Village; and

**WHEREAS**, the Village Mayor issued another declaration of a State of Local Emergency on September 13, 2017 due to Hurricane Irma; and

**WHEREAS**, the aftermath of high winds, storm surge, heavy rains, flooding and tornadoes associated with Hurricane Irma and the ongoing recovery efforts may require expedient action in order to protect the health, safety and welfare of the community; and

**WHEREAS**, the Village experienced significant damage to homes, particularly mobile home structures, and must utilize available locations to provide secure temporary housing for the disaster recovery of the community; and

**WHEREAS**, mobile home parks provide larger areas with utility hook-ups to place FEMA manufactured housing units and travel trailers; and

**WHEREAS**, on October 5, 2017, the Village Council of Islamorada, Village of Islands (the “Village Council”) adopted Ordinance 17-12, thereby creating regulations to allow temporary emergency housing to be placed on a single-family parcel for temporary occupancy by residents of the same parcels who have been displaced by natural or manmade disaster damage; and

**WHEREAS**, due to the continued demand for emergency housing, Village staff is recommending that the Village amend the regulations to extend the time period for emergency temporary housing; and

**WHEREAS**, the Village Council finds that the provisions of this Ordinance are intended to advance the public health, safety, and welfare of the citizens of the Village.

**NOW, THEREFORE, BE IT ORDAINED BY THE VILLAGE COUNCIL OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA, AS FOLLOWS:**

**Section 1.**     **Recitals.** The above recitals are true, correct and incorporated herein by this reference.

**Section 2.**     **Temporary Uses Including Public Assemblies.** Chapter 30 “Land Development Regulations,” Article V “Schedule of District Use and Development Standards,”

Division 8 “Temporary Uses Including Public Assemblies,” of the Code is hereby amended to read as follows:

Additional text is shown as <u>underlined</u> ;	deleted text is shown as <del>strikethrough</del>
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**Section 30-886. Temporary Emergency Housing.**

- (a) **Purpose and Intent.** It is the purpose of this section to provide regulations that allow for the relaxation of the use prohibitions in Chapter 30, Land Use Regulations, Article IV Administrative Procedures, Division 11 Building Permit Allocation System, and Division 8 Temporary Uses Including Public Assemblies, to provide regulatory authority to allow temporary emergency housing, not subject to the Building Permit Allocation System, for temporary occupancy by residents displaced by natural or manmade disaster damage or by relief workers involved in reconstruction activities following the declaration of a state of local emergency by the Village Mayor due to a natural or manmade disaster.
  
- (b) **Timeframe to Submit an Application for Temporary Emergency Housing.** An application in a form specified by the planning and development services department for temporary emergency housing pursuant to section 30-886 shall be submitted by ~~December~~ April 310, 20178.
  
- (c) **Placement of temporary emergency housing on single-family parcels.** Notwithstanding the provisions of Chapter 30, Land Use Regulations, Article IV Administrative Procedures, Division 11 Building Permit Allocation System, and Division 8 Temporary Uses Including Public Assemblies, temporary emergency housing may be placed on a single-family parcel for temporary occupancy by residents of the same parcel who have been displaced by natural or manmade disaster damage subject to the following conditions:
  - (1) A lawfully established dwelling unit (i.e., a previously permitted house) existed and it has sustained sufficient damage from the disaster so as to make the dwelling unit uninhabitable, as determined by verifiable photographic evidence provided by the owner to the Village Building Department, and/or an inspection by an official from a federal or state governmental relief agency, the Village Building Department or the Village Code Compliance Department;
  
  - (2) A no-fee emergency permit must be issued for the placement of the temporary emergency housing, which will be *linked* to the building permit issued for damage repair to the house:
    - a. The Village’s Director of Planning and Building Official must approve the unit’s siting location on the parcel; and
    - b. Connection to the Village’s centralized wastewater treatment system is required or, alternatively, a Department of Health permit or other proof of authorized and continuous on-site disposal of wastewater shall be approved by the Village Building Official and Director of Planning.
  
  - (3) A building permit must be issued for repair of damages caused by the storm to make the house habitable within ninety (90) days of placement of the temporary emergency housing;

- (4) Only one (1) temporary emergency housing unit may be placed on the single-family parcel;
  - (5) The temporary emergency housing unit may remain on the property for a period not to exceed one hundred eighty (180) days from the date of building permit issuance or until the final inspection or certificate of occupancy is issued on the repairs made to the dwelling unit, whichever comes first.
    - a. A ~~single extension~~ maximum of up to two (2) ~~an~~ additional 180 days extensions may be granted by the Building Official if she/he determines that good cause has been shown for the need for an extension.
    - b. Expiration of the building permit for damage repairs shall require immediate removal of the temporary emergency housing unit from the site;
  - (6) Occupants of the temporary housing must comply with all mandatory hurricane evacuation requirements; and
  - (7) No clearing or filling of environmentally sensitive lands may occur as a result of a temporary emergency housing unit.
  - (8) Nothing shall prevent the Village or any state or federal authority to terminate without notice the authority to keep any temporary emergency housing units otherwise authorized should it be deemed required for the public safety.
- (d) Placement of temporary emergency housing on a nonresidential, mixed-use, mobile home park or on publicly-owned parcel(s).** Notwithstanding the provisions of Chapter 30, Land Use Regulations, Article IV Administrative Procedures, Division 11 Building Permit Allocation System and Division 8 Temporary Uses Including Public Assemblies, temporary emergency housing may be placed on a nonresidential, mixed use, mobile home park or publicly-owned parcel(s) excluding lands designated for conservation and resource protection, for temporary occupancy by persons displaced by the storm damage, subject to the following conditions:
- (1) A no-fee emergency permit must be issued for the placement of the temporary emergency housing:
    - a. The Village's Building Official and Director of Planning must approve a site plan indicating the location of the temporary emergency housing unit(s) on the parcel through the building permit process. Water and electrical demands will be reviewed; and
    - b. Connection to the Village's centralized wastewater treatment system is required or, alternatively, a Department of Health permit or other proof of authorized and continuous on-site disposal of wastewater shall be approved by the Village Building Official and Director of Planning.
  - (2) The temporary emergency housing unit may remain on the property for a period not to exceed 180 days from the date of permit issuance. A ~~single extension~~ maximum of up to two (2) ~~an~~ additional 180 days extensions may be granted by the Building Official if she/he determines that good cause has been shown for the need for an extension.

- (3) Occupants of the temporary housing must comply with all mandatory hurricane evacuation requirements.
- (4) No clearing or filling of environmentally sensitive lands may occur as a result of a temporary emergency housing unit.
- (5) Nothing shall prevent the Village or any state or federal authority to terminate without notice the authority to keep any temporary emergency housing units otherwise authorized should it be deemed required for the public safety.

**Section 30-887. Temporary Outdoor Storage following a Natural or Manmade Disaster.**

Notwithstanding the provisions of Chapter 30, Land Use Regulations, Article IV Administrative Procedures, Division 8 Temporary Uses Including Public Assemblies, and Article VI, Specific Use Restrictions, Division 8 Outdoor Storage and Display, temporary outdoor storage for purposes of recovery and restoration following the declaration of a state of local emergency by the Village Mayor due to a natural or manmade disaster, may be permitted on a temporary basis on parcels subject to the following conditions:

- (a) A state of emergency has been declared by the Village Mayor.
- (b) A complete application in a form specified by the planning and development services department for temporary outdoor storage shall be submitted by ~~December~~ April 30, 20178.
- (c) The temporary use shall be limited to 365 days from the date of approval of the temporary use permit for outdoor storage.
- (d) The temporary use shall be located on a parcel within a non-residential zoning district.
- (e) The temporary storage area shall be secured with a minimum six (6) foot chain link fence with fabric screening and shall be maintained so as to present a neat, clean and orderly appearance.
- (f) Storage or staging of debris is strictly prohibited.
- (g) No clearing or filling of environmentally sensitive lands may occur as a result of a temporary outdoor storage.
- (h) Nothing shall prevent the Village or any state or federal authority to terminate without notice the authority to keep any temporary storage area otherwise authorized should it be deemed required for the public safety.

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**Section 4. Severability.** The provisions of this Ordinance are declared to be severable and if any section, sentence, clause or phrase of this Ordinance is held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections, sentences, clauses, and phrases of this Ordinance but they shall remain in effect, it being the legislative intent that this Ordinance shall stand notwithstanding the invalidity of any part.

**Section 5. Repeal of Conflicting Provisions.** The provisions of the Code and all Ordinances or parts of Ordinances in conflict with the provisions of this Ordinance are hereby repealed.

**Section 6. Inclusion in the Code.** It is the intention of the Village Council, and it is hereby ordained that the provisions of this Ordinance shall become a part of the Code; that the sections of this Ordinance may be renumbered or relettered to accomplish such intentions; and that the word "Ordinance" shall be changed to "Section" or other appropriate word.

**Section 7. Effective Date.** This Ordinance is enacted under the emergency provisions of section 166.041(3), Florida Statutes and shall be effective upon passage and adoption. The Village Council of Islamorada, Village of Islands hereby waives the notice requirements of subsection (3)(a) of 166.041, Florida Statutes, by a four-fifths vote and declares an emergency exist and that the immediate enactment of this Ordinance is necessary.

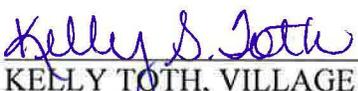
The foregoing Ordinance was offered by Vice Mayor Deb Gillis, who moved for its adoption. This motion was seconded by Councilman Mike Forster, and upon being put to a vote, the vote was as follows:

Mayor Chris Sante	YES
Vice Mayor Deb Gillis	YES
Councilman Mike Forster	YES
Councilwoman Cheryl Meads	YES
Councilman Jim Mooney	YES

**PASSED AND ADOPTED** on this 1<sup>st</sup> day of March, 2018.

  
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CHRIS SANTE, MAYOR

ATTEST:

  
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KELLY TOTH, VILLAGE CLERK

APPROVED AS TO FORM AND LEGALITY  
FOR THE USE AND BENEFIT OF  
ISLAMORADA, VILLAGE OF ISLANDS ONLY



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ROGET V. BRYAN, VILLAGE ATTORNEY