

ORDINANCE NO. 14-25

AN ORDINANCE OF MANATEE COUNTY, FLORIDA, AMENDING THE MANATEE COUNTY LAND DEVELOPMENT CODE RELATING TO TEMPORARY USES FOR POSTDISASTER TEMPORARY DWELLINGS; AMENDING SECTION 201 OF THE LAND DEVELOPMENT CODE TO CREATE DEFINITIONS; CREATING PARAGRAPH 604.3.12 OF THE LAND DEVELOPMENT CODE TO PROVIDE EXEMPTION FROM CH: COASTAL HIGH HAZARD AREA OVERLAY DISTRICT FOR POSTDISASTER TEMPORARY DWELLINGS; CREATING PARAGRAPH 604.7.4 OF THE LAND DEVELOPMENT CODE TO PROVIDE EXEMPTION FROM WR-WHITFIELD RESIDENTIAL OVERLAY DISTRICT FOR POSTDISASTER TEMPORARY DWELLINGS; CREATING PARAGRAPH 604.8.6 OF THE LAND DEVELOPMENT CODE TO PROVIDE EXEMPTION FROM RESTRICTED VEHICLE OVERLAY DISTRICT FOR POSTDISASTER TEMPORARY DWELLINGS; CREATING SUBPARAGRAPH 703.2.14.4 OF THE LAND DEVELOPMENT CODE TO PROVIDE EXEMPTION FROM PERMITTED ACCESSORY USES RELATING TO PARKING OF COMMERCIAL VEHICLES FOR POSTDISASTER TEMPORARY DWELLINGS; CREATING SUBPARAGRAPH 703.2.15.8 OF THE LAND DEVELOPMENT CODE TO PROVIDE EXEMPTION FROM PERMITTED ACCESSORY USES RELATING TO PARKING OF RESTRICTED VEHICLES, INCLUDING COMMERCIAL VEHICLES, FOR POSTDISASTER TEMPORARY DWELLINGS; CREATING PARAGRAPH 705.6.5 OF THE LAND DEVELOPMENT CODE TO PROVIDE EXEMPTION FROM TEMPORARY USE CRITERIA RELATING TO TEMPORARY DWELLINGS FOR POSTDISASTER TEMPORARY DWELLINGS; AMENDING SUBSECTION 705.12 OF THE LAND DEVELOPMENT CODE TO CREATE TEMPORARY USE CRITERIA FOR POSTDISASTER TEMPORARY DWELLINGS AS TEMPORARY USES; PROVIDING REQUIREMENTS, PURPOSE AND INTENT, AND CRITERIA FOR TEMPORARY USE PERMITS FOR POSTDISASTER TEMPORARY DWELLINGS; PROVIDING EXEMPTIONS FROM CONFLICTING PROVISIONS OF THE LAND DEVELOPMENT CODE FOR POSTDISASTER TEMPORARY DWELLINGS WITH VALID TEMPORARY USE PERMITS; RENUMBERING SUBSECTION 705.12 OF THE LAND DEVELOPMENT CODE AS SUBSECTION 705.13 AND AMENDING SUBSECTION 705.13 PROVIDING FOR TEMPORARY USE CRITERIA FOR OTHER TEMPORARY USES; RENUMBERING SUBSECTION 705.13 OF THE LAND DEVELOPMENT CODE AS SUBSECTION 705.14 AND AMENDING SUBSECTION 705.14 PROVIDING FOR VIOLATIONS OF TEMPORARY USE CRITERIA; PROVIDING

FOR CODIFICATION; REPEALING CONFLICTING
ORDINANCES; PROVIDING FOR SEVERABILITY; AND
PROVIDING AN EFFECTIVE DATE.

WHEREAS, Section 252.38, Florida Statutes, grants political subdivisions the power and authority to carry out the provisions of Sections 252.31 through 252.90, Florida Statutes, relating to emergency management and postdisaster emergency operations; and

WHEREAS, the Board of County Commissioners of Manatee County, Florida, has adopted the Manatee County Land Development Code, which applies to all property in the unincorporated area of Manatee County; and

WHEREAS, several provisions of the Manatee County Land Development Code prohibit mobile homes and recreational vehicles from being occupied or connected to utility service on residential single-family property; and

WHEREAS, Section 705 of the Manatee County Land Development Code provides criteria for temporary uses; and

WHEREAS, Subsection 705.6 of the Manatee County Land Development Code allows a temporary dwelling on a lot where a single-family dwelling has been destroyed or damaged by fire or other disaster to an extent which makes the dwelling uninhabitable, subject to limitations on manufactured homes and recreational vehicles; and

WHEREAS, the Board of County Commissioners desires to allow the placement, occupancy and connection to utility service for temporary dwellings on residential single-family property for a defined period of time following a disaster; and

WHEREAS, the Board of County Commissioners desires to create temporary use criteria and establish temporary use permits for postdisaster temporary dwellings as temporary uses; and

WHEREAS, the Board of County Commissioners desires to exempt postdisaster temporary dwellings with valid temporary use permits from conflicting provisions of the Manatee County Land Development Code during the period of time such permits remain in effect; and

WHEREAS, the Board of County Commissioners has determined that it is in the best interest of the County to amend the Manatee County Land Development Code relating to temporary uses for postdisaster temporary dwellings as set forth in this ordinance; and

WHEREAS, pursuant to Sections 163.3174(4)(c) and 163.3194(2), Florida Statutes, and Sections 302 and 503 of the Manatee County Land Development Code, the Manatee County Planning Commission is required to review proposed amendments to the Manatee County Land Development Code after holding a public hearing and make recommendations to the Board of County Commissioners of Manatee County regarding the consistency of the proposed amendments with the adopted Manatee County comprehensive plan; and

WHEREAS, at a public hearing held May 8, 2014, after due public notice, the Manatee

County Planning Commission, sitting as the local planning agency, reviewed the proposed amendments to the Manatee County Land Development Code relating to temporary uses for postdisaster temporary dwellings set forth in this ordinance, considered all comments received during said public hearing, including staff comments and reports, and recommended the proposed amendments as being consistent with the adopted Manatee County Comprehensive Plan and meeting the requirements of Sections 163.3194(2) and 163.3202(1), Florida Statutes, and Section 503 of the Manatee County Land Development Code; and

WHEREAS, pursuant to Sections 125.66 and 163.3202, Florida Statutes, and Sections 301, 502 and 503 of the Manatee County Land Development Code, the Board of County Commissioners of Manatee County held public hearings on June 5, 2014, and June 17, 2014, after due public notice, to consider the proposed amendments to the Manatee County Land Development Code relating to temporary uses for postdisaster temporary dwellings set forth in this ordinance; and

WHEREAS, after consideration of all oral and written comments received during said public hearings, including staff comments and reports, together with the recommendations of the Manatee County Planning Commission, the Board of County Commissioners of Manatee County has determined that the proposed amendments to the Manatee County Land Development Code relating to temporary uses for postdisaster temporary dwellings set forth in this ordinance are consistent with the adopted Manatee County comprehensive plan and should be enacted.

NOW, THEREFORE BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA:

Section 1. Section 201 of the Manatee County Land Development Code is hereby amended by the creation of definitions to read as follows:

Section 201. Definitions.

Disaster shall have the same meaning as set forth in Section 252.34, Florida Statutes.

Temporary dwelling shall mean a mobile home or a recreational vehicle.

Utility service shall mean electricity from an electric utility provider, potable water from a public or private utility provider or an in-ground private water supply system, and wastewater discharged to a public or private utility provider or an on-site sewage disposal system.

Section 2. Paragraph 604.3.12 of the Manatee County Land Development Code is hereby created to read as follows:

Section 604. Overlay Districts.

604.3. CH: Coastal High Hazard Area Overlay District.

604.3.12. The provisions of Subsection 604.3 shall not apply to a postdisaster temporary dwelling with a valid temporary use permit that meets the requirements specified in Subsection

705.12 of this Code during the period of time such temporary use permit remains in effect.

Section 3. Paragraph 604.7.4 of the Manatee County Land Development Code is hereby created to read as follows:

Section 604. Overlay Districts.

604.7. WR–Whitfield Residential Overlay District.

604.7.4. The provisions of Subsection 604.7 shall not apply to a postdisaster temporary dwelling with a valid temporary use permit that meets the requirements specified in Subsection 705.12 of this Code during the period of time such temporary use permit remains in effect.

Section 4. Paragraph 604.8.6 of the Manatee County Land Development Code is hereby created to read as follows:

Section 604. Overlay Districts.

604.8. Restricted Vehicle Overlay District.

604.8.6. The provisions of Subsection 604.8 shall not apply to a postdisaster temporary dwelling with a valid temporary use permit that meets the requirements specified in Subsection 705.12 of this Code during the period of time such temporary use permit remains in effect.

Section 5. Subparagraph 703.2.14.4 of the Manatee County Land Development Code is hereby created to read as follows:

Section 703. Accessory Uses.

703.2. Permitted Accessory Uses.

703.2.14. Parking of Commercial Vehicles.

703.2.14.4. The provisions of Paragraph 703.2.14 shall not apply to a postdisaster temporary dwelling with a valid temporary use permit that meets the requirements specified in Subsection 705.12 of this Code during the period of time such temporary use permit remains in effect.

Section 6. Subparagraph 703.2.15.8 of the Manatee County Land Development Code is hereby created to read as follows:

Section 703. Accessory Uses.

703.2. Permitted Accessory Uses.

703.2.15. Parking of Restricted Vehicles, Including Commercial Vehicles.

703.2.15.8. The provisions of Paragraph 703.2.15 shall not apply to a postdisaster temporary dwelling with a valid temporary use permit that meets the requirements specified in Subsection

705.12 of this Code during the period of time such temporary use permit remains in effect.

Section 7. Paragraph 705.6.5 of the Manatee County Land Development Code is hereby created to read as follows:

Section 705. Temporary Use Criteria.

705.6. Temporary Dwellings.

705.6.5. The provisions of Subsection 705.6 shall not apply to a postdisaster temporary dwelling with a valid temporary use permit that meets the requirements specified in Subsection 705.12 of this Code during the period of time such temporary use permit remains in effect.

Section 8. Subsection 705.12 of the Manatee County Land Development Code is hereby amended by the creation of temporary use criteria for postdisaster temporary dwellings as temporary uses to read as follows:

Section 705. Temporary Use Criteria.

705.12. Postdisaster Temporary Dwellings.

705.12.1. A temporary use permit may be issued to the owner of each parcel of residential single-family property for the purpose of placing one (1) temporary dwelling on said property and connecting the temporary dwelling to utility service if the single-family residence located on the property is damaged or destroyed as a result of a disaster. The temporary dwelling shall be occupied by the owner of the property and the owner's family during the time that the residence is repaired or reconstructed or a replacement residence is constructed on the property.

705.12.2. The purpose and intent of the temporary use permit for a postdisaster temporary dwelling is to allow the property owner and the owner's family to live on the premises where a single-family residence is damaged or destroyed by a disaster to an extent which renders the residence uninhabitable during the period of time required for repair or reconstruction of the existing residence or construction of a replacement residence on the same property.

705.12.3. The criteria for a temporary use permit for a postdisaster temporary dwelling are as follows:

705.12.3.1. A declaration of a state of emergency for a disaster must be issued by the President of the United States, the Governor of the State of Florida, or the board covering all or part of the county.

705.12.3.2. A single-family residence located on a parcel of residential single-family property must be damaged or destroyed as a result of the disaster described in the declaration of the state of emergency. The damage or destruction must render the single-family residence uninhabitable during the period of time required for repair or reconstruction of the existing residence or construction of a replacement residence on the same property.

705.12.3.3. The postdisaster temporary dwelling must be located on a parcel of property in a zoning district where residential single-family dwellings are allowed as a permitted use or upon approval of an administrative permit or a special permit.

705.12.3.4. The postdisaster temporary dwelling must be located outside of all utility and drainage easements, visibility triangles, and fire lanes on the property.

705.12.3.5. The postdisaster temporary dwelling must be set back a minimum of five (5) feet from any structures on the property and all property lines, sidewalks and adjacent roadways. Setbacks shall be measured from the trailer hitch (including the tongue) and the rear of the temporary dwelling (including the rear bumper if applicable).

705.12.3.6. The postdisaster temporary dwelling must be connected to operational utility service. All utility service connections shall comply with the applicable provisions of the Florida Building Code, Florida Electrical Code, and Florida Plumbing Code. The potable water and wastewater utility service connections shall be approved by the public or private utility provider or the Health Department if applicable.

705.12.3.7. A temporary setup permit for the postdisaster temporary dwelling must be obtained from the building official. The temporary setup permit will not be issued until the temporary dwelling is connected to utility service and the utility service is operational. Unless otherwise provided by the building official, the temporary setup permit shall constitute the temporary use permit required for the postdisaster temporary dwelling pursuant to Section 507 and Subsection 705.1 of this Code.

705.12.3.8. The postdisaster temporary dwelling must be occupied by the owner of the subject property and the owner's family during the time that the temporary use permit remains in effect while the existing residence is repaired or reconstructed or a replacement residence is constructed on the same property.

705.12.3.9. The temporary use permit for the postdisaster temporary dwelling shall be effective for an initial period not to exceed two (2) years. The temporary use permit may be renewed or extended in accordance with Paragraph 705.1.5 of this Code. Before approving any extension, the building official may require a site inspection to verify compliance with the requirements for the temporary use permit and any conditions of the original temporary use permit.

705.12.3.10. A completed application for a building permit for repair or reconstruction of the existing single-family residence or construction of a replacement single-family residence on the subject property must be submitted to the building official prior to the initial expiration date of the temporary use permit or the renewal or extension of said temporary use permit. Upon issuance of the appropriate building permit, the temporary use permit for the postdisaster temporary dwelling will remain in effect as long as the building permit is valid under the Florida Building Code.

705.12.3.11. The temporary use permit for the postdisaster temporary dwelling shall expire thirty (30) days after the issuance of a certificate of occupancy or a temporary certificate of occupancy under the Florida Building Code for repair, reconstruction or

construction of the single-family residence on the subject property. If the building permit expires under the Florida Building Code before a certificate of occupancy or a temporary certificate of occupancy is issued for the single-family residence, the department director may revoke the temporary use permit for the postdisaster temporary dwelling by providing thirty (30) days written notice to the property owner.

705.12.3.12. Upon expiration or revocation of the temporary use permit, the postdisaster temporary dwelling shall be disconnected from utility service and vacated. A mobile home used as a temporary dwelling must be removed from the property, and a recreational vehicle used as a temporary dwelling may be stored on the property in compliance with Paragraph 703.2.15 of this Code.

705.12.4. During the period of time the temporary use permit remains in effect, a postdisaster temporary dwelling with a valid temporary use permit that meets the criteria specified in this subsection shall be exempt from any conflicting provisions of the Land Development Code, including, but not limited to, the following requirements:

705.12.4.1 Subsection 604.3 CH: Coastal High Hazard Area Overlay District;

705.12.4.2. Subsection 604.7 WR–Whitfield Residential Overlay District;

705.12.4.3. Subsection 604.8 Restricted Vehicle Overlay District;

705.12.4.4. Paragraph 703.2.14 Permitted Accessory Uses for Parking of Commercial Vehicles;

705.12.4.5. Paragraph 703.2.15 Permitted Accessory Uses for Parking of Restricted Vehicles, Including Commercial Vehicles; and

705.12.4.6. Subsection 705.6 Temporary Dwellings.

Section 9. Subsection 705.12 of the Manatee County Land Development Code is hereby renumbered as Subsection 705.13 and amended to read as follows:

Section 705. Temporary Use Criteria.

705.13. ~~705.12.~~ Other Temporary Uses. Other temporary uses ~~Temporary Uses~~ may be allowed by the department director, following ~~Planning Director subject to review,~~ of the use for compliance with ~~meeting~~ the standards set forth in Sections ~~507 506~~, Paragraph 705.1.3, and other relevant ~~sections~~ Sections of this Code.

Section 10. Subsection 705.13 of the Manatee County Land Development Code is hereby renumbered as Subsection 705.14 and amended to read as follows:

Section 705. Temporary Use Criteria.

705.14. ~~705.13.~~ Violations. Use of property that requires a temporary use permit without obtaining such permit or in violation of any ~~if the applicant violates the conditions of such the~~

~~Temporary use permit, or any criteria listed in Section 507 or Section 705 of this Code for such use shall constitute a violation of this section. In addition to any other procedures and penalties for violations, a temporary use this permit may be revoked by the department director following written notice to the permittee is subject to revocation. The permittee shall have the right to appeals the revocation of a temporary use permit in accordance with the procedures set forth in Section 516 of this Code shall be utilized.~~

Section 11. This ordinance shall be codified in the Manatee County Land Development Code.

Section 12. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed to the extent of such conflict.

Section 13. If any provision of this ordinance or the application thereof to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of the ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are declared severable.

Section 14. This ordinance shall take effect upon filing with the State of Florida Department of State.

APPROVED AND ENACTED by the Board of County Commissioners of Manatee County, Florida, with a quorum present and voting, on the ____ day of _____, 2014.

BOARD OF COUNTY COMMISSIONERS
OF MANATEE COUNTY, FLORIDA

By: _____
Chairman

ATTEST: R. B. Shore
Clerk of the Circuit Court

By: _____