

ORDINANCE NO. 2023-O-12

AN ORDINANCE OF THE CITY COUNCIL OF EDGEWATER, FLORIDA, AMENDING CHAPTER 8 (COMPREHENSIVE EMERGENCY MANAGEMENT PLAN AND DISASTER PREPAREDNESS), OF THE CODE OF ORDINANCES BY ADDING SECTION 8-19(EMERGENCY HOUSING); PROVIDING FOR THE PLACEMENT OF MOBILE HOMES, TRAVEL TRAILERS, AND OTHER APPROPRIATE SHELTER IN RESIDENTIAL AREAS AND COMMERCIAL AREAS AS TEMPORARY ALTERNATIVE HOUSING; PROVIDING FOR A HOUSING EMERGENCY DECLARATION; PROVIDING FOR REGULATORY PROVISIONS; PROVIDING COMPREHENSIVE PLAN AND AMENDMENTS WHERE NECESSARY FOR IMPLEMENTATION; PROVIDING FOR CONFLICTING PROVISIONS, SEVERABILITY AND APPLICABILITY; AN EFFECTIVE DATE AND FOR ADOPTION.

WHEREAS, because of the existing and continuing possibility of the occurrence of natural or manmade disasters or emergencies and destruction of housing stock resulting therefrom, and in order to ensure the readiness of the City of Edgewater to adequately deal with the loss of housing stock, it is desirable that City Council implement a program to augment impaired housing stock by allowing, on a temporary basis, supplemental housing in zoning categories and land use categories that traditionally do not allow such housing alternatives and under conditions that are not otherwise permitted under the existing land development code; and

WHEREAS, the coordination of implementation of this ordinance will be facilitated by amendment of the local comprehensive plan to allow alternative housing on a temporary and supplemental basis.

NOW THEREFORE, BE IT ENACTED by the City Council of the City of Edgewater, Florida:

PART A. AMEND CHAPTER 8 (COMPREHENSIVE EMERGENCY MANAGEMENT PLAN AND DISASTER PREPAREDNESS) OF THE CODE OF ORDINANCES, CITY OF EDGEWATER, FLORIDA BY ADDING SECTION 8-19 (EMERGENCY HOUSING).

~~Struck through~~ passages are deleted.
Underlined passages are added.

Chapter 8 (Comprehensive Emergency Management Plan and Disaster Preparedness) is amended by adding Section 8-19 (Emergency Housing) pursuant to Exhibit "A", which is attached and incorporated herein.

PART B. CONFLICTING PROVISIONS

All conflicting ordinances and resolutions, or parts thereof in conflict with this ordinance are hereby superseded by this ordinance to the extent of such conflict.

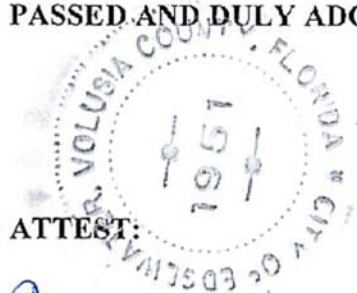
PART C. SEVERABILITY AND APPLICABILITY

If any portion of this ordinance is for any reason held or declared to be unconstitutional, inoperative, or void, such holding shall not affect the remaining portions of this ordinance. If this ordinance or any provisions thereof shall be held to be inapplicable to any person, property, or circumstances, such holding shall not affect its applicability to any other person, property or circumstance.

PART D. EFFECTIVE DATE

This ordinance shall take effect upon adoption.

PASSED AND DULY ADOPTED this 16th day of February, 2023.



ATTEST:

Bonnie Zlotnik
Bonnie Zlotnik, CMC, City Clerk

Diezel DePew
Diezel DePew, Mayor

Passed on first reading on the 9th day of January, 2023

REVIEWED AND APPROVED: Aaron R. Wolfe
Aaron R. Wolfe, City Attorney

EXHIBIT "A"

Section 8-19: EMERGENCY HOUSING

Section 8-19.1 DECLARATION OF HOUSING EMERGENCY

- a. Activation Upon declaration of a state of local emergency pursuant to Section 8.4 above, and during the pendency thereof, the City Council, as a part of the original declaration or at any time during the duration of a declared state of local emergency, may declare a state of housing emergency for all or any part of the City of Edgewater.
- b. Areas Embraced Any declaration of Housing Emergency under this section must define the boundaries of all areas subject to the terms of this Section 8-19.
- c. Termination
 1. A declaration of Housing Emergency survives the termination of any state of local emergency declared under Section 8.4 and may only terminate, in whole or in part, by formal action of the City Council.
 2. Partial Termination. On its own initiative or upon petition by the governing body of a municipality, and based on findings regarding the status of housing stock in the areas being considered, the City Council may amend the Housing Emergency Declaration resolution to expand or contract the areas embraced.
 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 Council is warranted to amend or terminate the Declaration.
- d. Effect of a Housing Emergency Declaration Upon the declaration of a Housing Emergency, the provisions of Section 8-19 become applicable in all the areas embraced by the Housing Emergency Declaration. If a Disaster Housing Plan is adopted as a part of the City's Comprehensive Emergency Management Plan, all actions pursuant to Section 8-19 shall be consistent with that Disaster Housing Plan.

Section 8-19.2: REGULATORY PROVISIONS

- a. Definitions:
 1. Community Sites: Option for temporary housing when extensive construction and building of an entire community, including such things as building roads; laying water, sewer, electrical, and telecommunications lines; and arranging for public transportation, police, fire, and emergency medical services, is involved.
 2. 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, and water and wastewater treatment services.
 3. Owner-Builder: Owners of property when acting as their own contractor and providing direct, onsite supervision themselves 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.
 4. Pre-Fabricated Dwelling: A unit that is factory built or built on site from modular parts and generally does not have wheels (for example, "Katrina" cottage).
 5. 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.

~~Struck through~~ passages are deleted.

3

Underlined passages are added.

6. 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 18 months.
 7. Temporary Housing Unit: Manufactured housing, recreational vehicle, travel trailer, or pre-fabricated dwelling.
 8. 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 parcel allowing a duplex (two family) residence.
1. A permit for a temporary housing unit must be obtained through the Building Department.
 2. The permit for a temporary housing unit shall be issued for no more than eighteen (18) months. Permit extensions may be allowed as warranted.
 3. A maximum of one (1) temporary housing unit (or two (2) in the case of a two-family residence) will be allowed on an existing home site provided:
 - i. The home located on the site has been declared uninhabitable by the City Building Official or designee.
 - ii. 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 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 Volusia County Health Department approval.
 - iii. 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 or onto any adjacent property.
 - iv. Electrical service must be available on site and have a proper connection for a temporary housing unit.
 - v. 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. The use of a temporary housing unit in a zoning district where such use is prohibited prior to the declaration of the housing emergency shall cease no later than eighteen (18) months after the date of the issuance of the temporary housing building permit, unless an appropriate extension of the temporary permit has been granted.
- c. Multi-Family Residences and Non-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 regardless of the property's zoning and/or Comprehensive

Future Land Use designation, exclusive of detached, single-family residential and two-family residential properties, given the following conditions:

1. A permit for a temporary housing unit must be obtained through the Building Department.
2. The permit for a temporary housing unit shall be issued for no more than eighteen (18) months. Permit extensions may be allowed as warranted.
3. A functioning public water and wastewater services shall be utilized if feasible. However, if connection to functioning public services is not feasible, other water and wastewater services may be utilized subject to Volusia County Health Department approval.
4. Electrical service must be available on site and have a proper connection for a temporary housing unit.
5. Only a licensed contractor 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.
6. 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 or onto any adjacent property.
7. The use of a temporary housing unit in a zoning district where such use is prohibited prior to the declaration of the housing emergency shall cease no later than eighteen (18) months after the date of the issuance of the applicable building permit, unless an appropriate extension of the building permit has been granted.

d. Community Sites. 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 in a community site regardless of the property's zoning and/or Comprehensive Future Land Use designation, exclusive of detached, single-family residential properties, subject to the following conditions:

1. Authorization from the City Manager must be provided before arranging for the establishment of temporary housing in a group setting.
2. The community site may be, but is not limited to, an existing mobile home park with available pads, a recreation site, or vacant land that can accommodate temporary housing that may be built from the ground up as a community site.
3. A Concept Plan for the community site shall be approved by the Development Services, Planning & Zoning Division prior to the issuance of permits for locating temporary housing units on the community site.
4. Permits must be obtained for the temporary housing units through the Building Department.
5. The permit for a temporary housing unit shall be issued for no more than eighteen (18) months. Permit extensions may be allowed as warranted.
6. Functioning public water and wastewater services shall be utilized if feasible. If connection to functioning public services is not feasible, other water and wastewater services may be utilized subject to Volusia County Health Department approval.
7. Minimum setbacks shall be in compliance with the host parcel's zoning designation.
8. If no pavement is in place, all vehicular drives and parking areas shall at least be surfaced with shell, gravel or similar material to control dust.
9. The use of a temporary housing unit in a zoning district where such use is prohibited prior to the declaration of the housing emergency shall cease no later than eighteen (18) months after the date of the issuance of the applicable building permit, unless an appropriate extension of the building permit has been granted.

Section 8-19.3: Implementation through Comprehensive Plan

The City of Edgewater Comprehensive Plan shall be reviewed and amended as necessary to facilitate the implementation of the requirements of Section 8-19.2.

Section 8-19.4: Areas Embraced

Pursuant to Section 2.01 of the City of Edgewater Charter, this ordinance shall be effective in the incorporated areas of the City of Edgewater.