

ORDINANCE NO. _____

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AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF BOYNTON BEACH DECLARING A HOUSING EMERGENCY AS A RESULT OF THE IMPACTS OF HURRICANE WILMA; AMENDING THE CITY OF BOYNTON BEACH'S LAND DEVELOPMENT REGULATIONS TO PROVIDE FOR THE PLACEMENT OF MOBILE HOMES AND TRAILERS IN RESIDENTIAL AREAS AS CONDITIONAL USES; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE

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WHEREAS, the State of Florida, Palm Beach County, and the City of Boynton Beach declared a state of emergency related to Hurricane Wilma; and

WHEREAS, the impacts associated with Hurricane Wilma created a state of emergency in the City of Boynton Beach, and the City of Boynton Beach does hereby declare that an emergency exists regarding emergency housing needs resulting from Hurricane Wilma; and

WHEREAS, the devastation created by the hurricane has caused damage to all types of dwellings in the City of Boynton Beach, and as a result citizens and residents are seeking housing assistance from the Federal Emergency Management Agency; and

WHEREAS, due to the damage to dwellings within the City, the City Commission finds it necessary to declare a housing emergency in order to allow residents and citizens to avail themselves of other temporary housing options; and

WHEREAS, this is an emergency condition, constituting an immediate threat to the life, health and safety of the citizens of the City and it is necessary to assist the citizens and residents of Boynton Beach with this housing emergency.

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1 **NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF**
2 **THE CITY OF BOYNTON BEACH, FLORIDA THAT:**

3 **Section 1.** The foregoing "Whereas" clause is true and correct and is now ratified
4 and confirmed by the City Commission.

5 **Section 2.** As a result of the impacts from Hurricane Wilma which struck the City
6 of Boynton Beach on October 24, 2005, the City Commission finds that there has been
7 significant damage to dwelling units within the City of Boynton Beach. As a result of the
8 damage, many citizens and residents are faced with the possibility of being displaced from their
9 residences while repairs are made to the residence. Therefore, the City Commission finds that
10 there is a housing emergency in the City of Boynton Beach, and the City Commission desires
11 to provide for the ability for residents and citizens to provide for alternative housing during the
12 time this housing emergency is in effect.

13 **Section 3.** That Part III, "Land Development Regulations", Chapter 2, "Zoning", is
14 hereby amended by enacting a new Section 11.3, "Emergency Housing", to read as follows:

15 Section 11.3 Emergency Housing.

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17 A. In the event a housing emergency is declared to exist by
18 the City Commission following a natural or man-made
19 disaster, and subject to the conditions contained in this
20 Section, temporary structures such as mobile homes,
21 travel trailers and recreational vehicles may be used as
22 temporary housing by individuals who have been
23 displaced from their primary residence due to damage
24 from the disaster.

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26 B. The following conditions shall apply to the use and
27 placement of temporary structures such as mobile
28 homes, travel trailers and recreational vehicles placed on
29 properties only after the City Commission declares a
30 housing emergency following a natural or man-made
31 disaster:

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33 (1) A maximum of one (1) travel trailer/mobile
34 home/recreational vehicle for the sole occupancy by
35 the existing residents of the damaged home, will be
36 allowed on an existing home site providing the
37 following conditions exist on the site:

38 (a) The home located on the site has been

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declared “unsafe” by the City’s Building Official or designee.

(b) The sanitary sewer must be properly connected to the City’s sanitary sewer system in accordance with codes in effect at the time.

(c) Electrical service must be available on site and have a proper connection for a travel trailer/mobile home/recreational vehicle.

(d) Only a licensed mobile home installation Contractor will be allowed to apply for a permit and perform any work related to the connection of plumbing, electrical, and mechanical service systems to the site.

(2) Setback requirements shall be complied with to the extent possible;

(3) All other applicable regulations and code requirements, except parking, shall apply, including, but not limited to, flood plain management.

(4) The use of mobile homes, recreational vehicles, or travel trailers as temporary residences in a zoning district where such use is prohibited prior to the declaration of the housing emergency shall cease either upon the repair or reconstruction of the individual’s residence or no later than 18 months after the date the City Commission declares a housing emergency, whichever occurs first;

(5) Housing sites for multiple temporary dwelling units established by the Federal Emergency Management Agency and approved by the City Commission, may be established in any zoning district;

(6) Legal and proper disposal of all sanitary sewer and stormwater is required;

(7) Water and/or sewer connection to previously unserved locations will require permits and the payment of applicable connection fees.

C. No person shall occupy a temporary dwelling 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 Chief Building Official.

Section 3. All laws and ordinances applying to the City of Boynton Beach in conflict with any provisions of this ordinance are hereby repealed.

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Section 4. Should any section or provision of this Ordinance or any portion thereof be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the remainder of this Ordinance.

Section 5. Authority is hereby given to codify this Ordinance.

Section 6. This Ordinance shall become effective immediately upon adoption.

FIRST READING this ___ day of _____, 2005.

SECOND, FINAL READING AND PASSAGE this _____ day of _____, 2006.

CITY OF BOYNTON BEACH, FLORIDA

Mayor

Vice Mayor

Commissioner

Commissioner

Commissioner

ATTEST:

City Clerk

