

ORDINANCE NO. 2006-_____

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3 AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF
4 LEON COUNTY, FLORIDA, AMENDING CHAPTER 10 OF THE CODE
5 OF LAWS OF LEON COUNTY, FLORIDA; AMENDING ARTICLE X,
6 ZONING, BY ADDING A NEW DIVISION 3B TO BE ENTITLED
7 "EMERGENCY WAIVER OF NON-CONFORMING LAND USES FOR
8 POST-DISASTER TEMPORARY ACCOMODATION"; PROVIDING
9 FOR DEFINITIONS; PROVIDING FOR REHABILITATION OR
10 CONSTRUCTION OF A RESIDENCE; PROVIDING FOR
11 REHABILITATION OR RECONSTRUCTION OF NON-RESIDENTIAL
12 USE STRUCTURES; PROVIDING FOR PROCEDURES FOR
13 IMPLEMENTATION OF THIS DIVISION; PROVIDING FOR
14 CONDITIONS FOR USE AND LIMITATIONS; WAIVING
15 ENVIRONMENTAL PERMITTING IN CERTAIN INSTANCES;
16 PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY;
17 AND PROVIDING FOR AN EFFECTIVE DATE.

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19 WHEREAS, Chapter 252, Florida Statutes, authorizes the waiver of procedures and
20 formalities otherwise required of political subdivisions to take whatever prudent action is
21 necessary to ensure the health, safety, and welfare of the community in the event of an
22 emergency; and

23 WHEREAS, pursuant to the Leon County Land Development Regulations, recreational
24 vehicles, manufactured and mobile homes, or manufactured buildings are not permitted uses in
25 some zoning categories; and

26 WHEREAS, after a disaster, permitting the habitation of recreational vehicles,
27 manufactured and mobile homes, or manufactured buildings will speed rebuilding efforts and
28 promote more efficient expenditure of public and private resources, and help sustain the
29 economic viability of affected businesses; and

30 WHEREAS, fast and efficient recovery after a disaster is in the paramount interest of the
31 health, safety, and welfare of the residents of Leon County and supersedes the goals furthered by
32 the zoning code during periods of time not affected by disaster; and

1 local, state, and federal regulations to be so damaged, dilapidated, or unsafe that it creates a
2 serious hazard to the health or safety of the occupants or the public, or which lacks illumination,
3 ventilation, or sanitation facilities adequate to protect the health or safety of the occupants or the
4 public; and which was rendered to be unfit for human habitation by a disaster.

5 *Declaration of a State of Emergency:* Declaration by the President of the United States,
6 the Governor of the State of Florida, or the Chairman of the Board of County Commissioners
7 that a State of Emergency exists in any part of Leon County.

8 **Sec. 10-881. Rehabilitation or construction of a residence.**

9 When a disaster has rendered a single-family residence uninhabitable, a mobile home,
10 manufactured home or recreational vehicle may be temporarily permitted on the single-family lot
11 or off-site, subject to the conditions set forth in this Division, during rehabilitation of the original
12 residence or construction of a new residence, regardless of zoning district requirements.

13 In those instances where the site of the damaged residential structure is not suitable for
14 temporary placement of a recreational vehicle, mobile or manufactured home, the property
15 owner may designate an alternative site, provided that the temporary use can be located on the
16 alternative site in compliance with the setback standards for accessory structures as set forth in
17 Section 10-1103 of the Land Development Code. When an alternative site is proposed, the
18 permit applicant and the owner of the alternative site shall be noted on the required permit
19 application and agreement for removal of the temporary recreational vehicle, mobile or
20 manufactured home.

21 **Sec. 10-882. Rehabilitation or reconstruction of non-residential structures.**

22 When a disaster has rendered a non-residential structure uninhabitable, a Department of
23 Community Affairs approved manufactured building may be temporarily permitted on-site to

1 allow the enterprise to carry out its activities during the rehabilitation of the original structure or
2 construction of a new structure. Such temporary non-residential structures may be permitted
3 only for use on the site of the damaged structure.
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5 **Sec. 10-883. Procedures for implementation of this Division.**

6 (a) The Board of County Commissioners may authorize the implementation of this
7 Division by resolution or, in the event that a meeting of the Board of County
8 Commissioners cannot be scheduled within one week of a declaration of disaster,
9 the County Administrator or designee may implement the provisions of this
10 Division upon determining that post-disaster circumstances are such that adequate
11 repair or reconstruction of a significant number of structures in the County or in
12 specific areas of the County will require substantial time to complete.

13 (b) After a determination that the implementation of this Division is desirable,
14 permits allowing temporary waiver of a non-conformity shall be allowed. Such
15 permits shall be issued only upon the determination of the building official that
16 the original structure is uninhabitable.

17 (c) The initial term of the permit allowing a non-conforming structure to remain in
18 use and on site will be six (6) months from the date of a Declaration of State of
19 Emergency. If multiple Declarations are issued for one disaster, the date of the
20 latest declaration shall govern. After this initial term, should the Board of County
21 Commissioners determine that circumstances are such that safe and efficient
22 reconstruction of damaged properties warrant the extension of the permit period,
23 the Board may issue a resolution allowing for a three (3) month extension of all

1 issued permits. Additional three (3) month extensions may be granted by the
2 Board by resolution.

3 (d) Should the Board determine that extension of all temporary use permits issued
4 pursuant to this section is not necessary, the Board may, by resolution, authorize
5 staff to grant extensions to individual permit holders who were unable to complete
6 reconstruction in the permitted time because of extenuating circumstances beyond
7 the permit holder's control including, but not limited to, a local shortage of
8 building materials, or properly licensed contractors.

9 (e) Without requiring an extension of a previously issued temporary use permit, a
10 new temporary use permit may be issued for a structure damaged by a subsequent
11 disaster, if that structure was previously issued a temporary use permit which has
12 not expired, and so long as the terms of this Division were activated by the
13 County Administrator to address damage caused by the subsequent disaster

14 (f) As a condition for receiving a temporary use permit, the applicant must complete
15 a land use affidavit and agreement with Leon County wherein the applicant shall
16 agree to remove the temporary recreational vehicle, mobile or manufactured
17 home, or manufactured building within 30 days of the issuance of the Certificate
18 of Occupancy for the new or rehabilitated residential or non-residential use or
19 upon expiration of the temporary use permit, whichever occurs first. The Board
20 of County Commissioners delegates the authority to execute the provisions of the
21 contract on behalf of Leon County to the County Administrator or designee.

22 **Sec. 10-884. Conditions for use and limitations.**

23 For all temporary uses allowed by this section, the following shall apply:

- 1 (a) Required electrical, water and sanitary facilities must be provided.
- 2 (b) Siting of the recreational vehicle, mobile or manufactured home, or
3 manufactured building must comply with Chapter 10, Article XII of the
4 Leon County Code of Laws pertaining to floodplain management.
- 5 (c) Those provisions of Chapter 10 pertaining to environmental permitting
6 may be waived by the Board.
- 7 (d) The recreational vehicle, mobile or manufactured home, or manufactured
8 building must be removed from the property no later than 30 days after the
9 Certificate of Occupancy is issued for the new or rehabilitated residence or
10 non-residential use or upon expiration of the temporary use permit,
11 whichever occurs first. The County shall remove the temporary structure
12 at the expense of the permit holder should the permit holder fail to comply
13 with the removal requirement.

14 **Section 2.** **Conflicts.** All ordinances or parts of ordinances in conflict with the
15 provisions of this ordinance are hereby repealed to the extent of such conflict, except to the
16 extent of any conflicts with the Tallahassee-Leon County 2010 Comprehensive Plan or the
17 Florida Building Code as amended, which provisions shall prevail over any parts of this
18 ordinance which are inconsistent, either in whole or in part, with the said Comprehensive Plan
19 and the Florida Building Code.

20 **Section 3.** **Severability.** If any word, phrase, clause, section or portion of this
21 Ordinance shall be held invalid or unconstitutional by a court of competent jurisdiction, such
22 portion or words shall be deemed a separate and independent provision and such holding shall
23 not affect the validity of the remaining portions thereof.

1 **Section 4. Effective Date.** This Ordinance shall have effect upon becoming law.

2 DULY PASSED AND ADOPTED BY THE Board of County Commissioners of Leon

3 County, Florida, this _____ day of _____, 2006.

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LEON COUNTY, FLORIDA

BY: _____
BILL PROCTOR, CHAIRMAN
BOARD OF COUNTY COMMISSIONERS

ATTESTED BY:
BOB INZER, CLERK OF THE COURT

BY: _____
CLERK

APPROVED AS TO FORM:
COUNTY ATTORNEY'S OFFICE
LEON COUNTY, FLORIDA

BY: _____
HERBERT W. A. THIELE, ESQ.
COUNTY ATTORNEY

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