

**CITY OF SANIBEL
ORDINANCE 22-011**

AN EMERGENCY ORDINANCE PERTAINING TO CHAPTER 94, FLOODS, ARTICLE III, FLOOD-RESISTENT DEVELOPMENT, DIVISION 5 – RECREATIONAL VEHICLES AND PARK TRAILERS; RELATING TO EXPANDING AUTHORIZED USE AND PLACEMENT OF RECREATIONAL VEHICLES AND PARK TRAILERS IN CONNECTION WITH A STATE OR FEDERALLY-DECLARED DISASTER; AMENDING SECTION 94-181 – TEMPORARY PLACEMENT; AMENDING 94-182 – TEMPORARY USE PERMIT REQUIRED; PROVIDING FOR CODIFICATION; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERANCE; AND PROVIDING AN EFFECTIVE DATE

WHEREAS, on September 28, 2022, Hurricane Ian made landfall on the City of Sanibel as a strong Category 4 hurricane, causing catastrophic property damage; and

WHEREAS, damages directly impacting the City of Sanibel include widespread destruction and major damage to private property that previously housed Sanibel residents; and

WHEREAS, the City of Sanibel remains under a federally-declared, state-declared, and locally-declared state of emergency related to Hurricane Ian's destruction; and

WHEREAS, the City Council desires to amend the Code of Ordinances related to the authorized use and placement of recreational vehicles and park trailers, to allow certain residents whose dwellings were destroyed or rendered uninhabitable the flexibility to temporarily reside in a recreational vehicle or park model trailer while their damaged or destroyed dwelling is repaired or rebuilt; and

WHEREAS, Section 166.041(3)(b), Florida Statutes, provides that the governing body of a municipality may, by a two-thirds vote, enact an emergency ordinance without complying with the typical requirements for two readings and newspaper publication of hearing; and

WHEREAS, the City Council finds this ordinance to be necessary and appropriate for emergency consideration, based upon the unprecedented damage from Hurricane Ian and the lack of viable temporary housing options on Sanibel for residents trying to repair or rebuild their dwellings.

NOW, THEREFORE BE IT ORDAINED BY THE COUNCIL OF THE CITY OF SANIBEL, FLORIDA:

SECTION 1. That Chapter 94, Article III, Division 5 is hereby amended to read as follows, with additions indicated by underlining and deletions indicated by ~~strikethrough~~:

Chapter 94 – FLOODS

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ARTICLE III. – FLOOD-RESISTENT DEVELOPMENT

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DIVISION 5. - RECREATIONAL VEHICLES AND PARK TRAILERS

Sec. 94-181. - Temporary placement.

Notwithstanding other provisions of this code, Recreational vehicles and park trailers may be placed temporarily for habitation in flood hazard areas within residential districts and lawfully existing mobile home parks, subject to the following conditions: shall:

- (1) If within a lawfully existing mobile home park, the recreational vehicle or park trailer may only Bbe on the site for fewer than 180 consecutive days; or,
- (2) If within a residential district, placement and use shall be authorized, if at all, only in connection with a state or federally-declared disaster within the City of Sanibel, and only subject to the following additional conditions:
 - a. Authorization shall be by temporary use permit and considered only for those whose dwelling sustained damage from the declared disaster, rendering it uninhabitable. The temporary use permit may be considered under an expedited permitting process which waives the requirement for planning commission approval of a temporary use permit, if authorized by the city manager or their designee.
 - b. Such recreational vehicle or park trailer may not be rented on a short or long-term basis and may only be occupied by the owner and associated household members of the residential parcel on which it is placed.
 - c. The recreational vehicle or park trailer may only be approved for an initial 180-day period from the date of the declared disaster. Under compelling circumstances, the time limitation may be extended by the city manager or their designee up to an additional 180 days or the date on which the user's damaged dwelling is rendered habitable, whichever is less.

(2) (3) Shall Bbe fully licensed and ready for highway use, which means the recreational vehicle or park model trailer is on wheels or jacking system (wheel-based unit), is attached to the site only by quick-disconnect type utilities and security devices for water, sewer, and electric, and has no permanent attachments such as additions, rooms, stairs, decks and porches.

Sec. 94-182. – Temporary use permit required.

The placement of recreational vehicles shall be prohibited in coastal high hazard area (VE Zones), ~~and areas within 500 feet of San Carlos Bay, Pine Island Sound, Blind Pass, or the Gulf of Mexico, except as may be authorized by a temporary use permit indicating compliance with section 94-181.~~

Sec. 94-183. - Permanent placement.

Recreational vehicles and park trailers that do not meet the limitations in section 94-181 of this chapter for temporary placement shall meet the requirements of article III, division 4, of this chapter for manufactured homes.

Sec. 94-184. - Site-built additions and screen rooms.

Site built additions to recreational vehicles are prohibited. Screen rooms shall comply with section 94-171 of this chapter.

SECTION 2. Codification. The City Manager is hereby authorized and directed to indicate these amendments in future City Code publications.

SECTION 3. Conflict. All ordinances and parts of ordinances in conflict herewith shall be and the same hereby repealed. If any part of this ordinance conflicts with any other part, it shall be severed, and the remainder shall have full force and effect and be liberally construed.

SECTION 4. Severance. If any section, subsection, sentence, clause, phrase or portion of this ordinance, or application hereof, is, for any reason, held invalid or unconstitutional by any court of competent jurisdiction, such portion or application shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portion or application hereof.

SECTION 5. Effective date. This Ordinance shall be effective immediately upon adoption.

Attest:

Scotty Lynn Kelly
Scotty Lynn Kelly, City Clerk

Holly D. Smith
Holly D. Smith, Mayor

Approved as to form and legality:

John D. Agnew
John D. Agnew, City Attorney

Date filed with City Clerk: November 1, 2022

Vote of Council Members:

Smith	<u>Yea</u>
Johnson	<u>Yea</u>
Crater	<u>Yea</u>
Henshaw	<u>Yea</u>
Miller	<u>Yea</u>

Public Hearing: November 1, 2022