



**TOWN OF DAVIE**  
**PLANNING & ZONING DIVISION**  
6591 ORANGE DRIVE • DAVIE, FLORIDA 33314-3399  
Phone: 954.797.1103 • Fax: 954.797.1204 • www.davie-fl.gov

**MEMORANDUM**

---

TO: Planning and Zoning Board 

FROM: David Quigley, Planning & Zoning Manager (954-797-1075)

DATE: January 23, 2015

SUBJECT: Emergency Temporary Housing

---

**BACKGROUND**

The proposed ordinance would allow the Town Council to authorize temporary housing solutions after a declared housing emergency. The proposed ordinance was produced in cooperation with Broward County emergency management officials. The Town's Community Development Director, Giovanni Moss, will be available at the meeting to answer any questions.

**RECOMMENDATION**

Staff recommends that the Planning and Zoning Board find that the proposed ordinance is consistent with and furthers the Town's Comprehensive Plan.

**ORDINANCE NO. 2015- \_\_\_\_\_**

**AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, AMENDING CHAPTER 12, ENTITLED "LAND DEVELOPMENT CODE," OF THE TOWN OF DAVIE CODE OF ORDINANCES BY ADOPTING A NEW ARTICLE (KK) UNDER SECTION 12-33, ENTITLED, "EMERGENCY TEMPORARY HOUSING," TO PROVIDE FOR THE USE OF TEMPORARY HOUSING DURING DECLARED HOUSING EMERGENCIES; PROVIDING FOR CODIFICATION; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.**

WHEREAS, pursuant to Article VIII, Section 2 of the Florida Constitution and Chapter 166, Florida Statutes, the Town of Davie is authorized to protect the public health, safety and welfare of its residents and has the power and authority to enact regulations for valid governmental purposes that are not inconsistent with general or special law; and

WHEREAS, the Town Council finds it periodically necessary to amend its Land Development Code in order to update regulations and procedures to implement planning goals and objectives; and

WHEREAS, at a public hearing on January 28, 2015, the Planning and Zoning Board reviewed this ordinance and made a recommendation to the Town Council; and

WHEREAS, following proper notice to the public and after having received input and participation from interested members of the public and staff, and having considered the recommendation of the Planning and Zoning Board, the Town Council finds this proposed ordinance consistent with its Comprehensive Plan, as amended, as well as Florida and Federal law; and

**WHEREAS**, the Town Council finds it to be in the best interest of the citizens of Town of Davie to allow for the use of temporary housing in the aftermath of a natural or man-made disaster or emergency; and

**WHEREAS**, the Town Council finds that the use of temporary housing requires proper permitting and regulation in order to insure that residents and neighborhoods are protected during the time of an emergency; and

**WHEREAS**, the Town Council finds that the adoption of these ordinance provisions is in the best interest of the health, safety, and welfare of the residents of the Town of Davie.

**NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF DAVIE, FLORIDA, AS FOLLOWS:**

**Section 1.** The foregoing "WHEREAS" clauses are hereby ratified and confirmed as being true and correct and are hereby made a specific part of this Ordinance upon adoption hereof.

**Section 2.** That Section 12-33, Chapter 12, "Land Development Code", of the Town of Davie Code of Ordinances is hereby amended as follows:

**(KK) Emergency Temporary Housing**

- (1) Housing Emergency Declaration.
  - (a) Activation. Upon declaration of a state of emergency by the Town Commission, and during the pendency thereof, the Town Council, as a part of the original declaration or at any time during the duration of a declared state of emergency, may declare a state of housing emergency for all or any part of the Town of Davie.
  - (b) Areas Embraced. Housing Emergency Declaration must define the boundaries of all areas subject to the terms of this Section. The areas embraced may include the entire area of the Town, or any part thereof.
  - (c) Termination.

1. A Housing Emergency Declaration survives the termination of the Declaration of Emergency, and shall be in effect for a period established by resolution of the Town Council, not to exceed one (1) year per Housing Emergency Declaration.
  2. Partial Termination. Through the adoption of a resolution, the Town Council members may amend the Housing Emergency Declaration to either expand or contract the areas embraced. The expansion or contraction of the areas embraced shall be supported by findings regarding the status of the housing stock in the area being considered.
- (d) Effect of a Housing Emergency Declaration. Upon the activation of a Housing Emergency, the provisions of this ordinance shall become applicable in all the areas embraced by the Housing Emergency Declaration.

## **(2) Temporary Housing Units**

(a) Definitions:

- (1) 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, water and wastewater treatment services.
- (2) Pre-Fabricated Dwelling: A unit that is factory built or built on site from modular parts and generally does not have wheels.
- (3) 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.
- (4) 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.
- (5) Temporary Housing Unit: Manufactured housing, recreational vehicle, travel trailer, or pre-fabricated dwelling.

- (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 a single family detached dwelling unit or a two-family (duplex) dwelling unit.
- (1) A permit for a temporary housing unit must be obtained through the Town of Davie Building Department.
  - (2) maximum of one (1) temporary housing unit for each housing unit legally established on the property will be allowed on an existing home site provided:
    - a. The home located on the site has been declared uninhabitable by the Town's Building Official or his/her designee.
    - b. 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 the 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 the Town's Building Department approval.
    - c. Development standards of this chapter normally applicable to single family detached dwellings and two-family (duplex) dwellings, such as minimum yards, parking and open space, shall not be applicable to temporary housing units, provided that the temporary housing unit cannot extend into any adjacent public right-of-way, easement, or onto any adjacent property.
  - (3) An application for a building permit to repair the residential structure shall be submitted no later than sixty (60) days after issuance of the temporary housing permit.
  - (4) The temporary housing unit must be removed from the property no later than thirty (30) days from the date of the issuance of the certificate of occupancy, or a certificate of completion for the repaired residential structure. In no case shall a temporary housing unit be maintained on a lot for more than ninety (90) days after the expiration of the Emergency Housing Declaration under which the temporary housing unit was established.
  - (5) The Town of Davie Building Department has the right to revoke the temporary housing permit in the event there exists unsafe or unsanitary conditions on the property, or in the event the owner does not comply with the provisions of this Section.

**Section 3.** It is the intention of the Town Council of the Town of Davie that the provisions of this Ordinance shall become and be made a part of the Code of Ordinances of the Town of Davie, Florida, and that the Sections of this ordinance may be renumbered, re-lettered and the word "Ordinance" may be changed to "Section", "Article" or such other word or phrase in order to accomplish such intention.

**Section 4.** If any clause, section, or other part or application of this Ordinance shall be held by any court of competent jurisdiction to be unconstitutional or invalid, such unconstitutional or invalid part or application shall be considered as eliminated and so not affecting the remaining portions or applications remaining in full force and effect.

**Section 5.** All Ordinances or parts of Ordinances, Resolutions or parts of Resolutions in conflict herewith be and the same are hereby repealed to the extent of such conflict.

**Section 6.** This Ordinance shall become effective on immediately upon adoption, as provided by Florida law.

PASSED, FIRST READING this \_\_\_\_ day of \_\_\_\_\_, 2015.

PASSED, SECOND READING this \_\_\_\_ day of \_\_\_\_\_, 2015.

ATTEST:

BY: \_\_\_\_\_  
MAYOR JUDY PAUL

\_\_\_\_\_  
EVELYN ROIG, CMC  
TOWN CLERK