



Agenda Item Summary

File ID: 20-0950

PH-2

Meeting Date: 8/11/2020

PLACEMENT: Public Hearings

TITLE:

PUBLIC HEARING TO CONSIDER ADOPTION OF ORDINANCE AMENDING SECTION 3.201.C, LDR, PROVIDING THAT AFTER DECLARATION OF LOCAL STATE OF EMERGENCY TEMPORARY USE OF RECREATIONAL VEHICLES FOR OCCUPANCY IS AUTHORIZED WHEN A DWELLING IS UNINHABITABLE

EXECUTIVE SUMMARY:

Amendment of Section 3.201.C, Accessory Uses by Zoning Districts, Land Development Regulations is proposed to address a need recognized within Emergency Order 20-14 (Hobe Heights Flooding). The draft ordinance proposes that after declaration of a local state of emergency, temporary use of recreational vehicles for occupancy is authorized when a dwelling on the property is uninhabitable. Emergency Order 20-14 temporarily suspended enforcement of Section 3.201.C.2.h which prohibits living in recreational vehicles. The proposed amendment is necessary in order to provide a solution which extends beyond the time permitted under Florida law for this emergency order and others in the future.

DEPARTMENT: County Attorney

PREPARED BY: **Name:** Krista A. Storey

Title: Senior Assistant County Attorney

REQUESTED BY: Don G. Donaldson, Deputy County Administrator

PRESET:

PROCEDURES: None

BACKGROUND/RELATED STRATEGIC GOAL:

Emergency Order 20-14 (Hobe Heights Flooding) authorized the residents of the Plat of Hobe Heights to temporarily reside in recreational vehicles on their property if their home is uninhabitable while it is being reconstructed or repaired because of damaged caused by flooding. The Emergency Order temporarily suspended the application of Section 3.201.C.2.h, Land Development Regulations, Martin County Code to the impacted properties as to the prohibition against living in a recreational vehicle. The proposed amendment of Section 3.201.C., would provide that after the declaration of a local state of emergency, recreational vehicles may be temporarily used for living, sleeping or other occupancy where a dwelling on the same property is uninhabitable. and would not be limited to the Hobe Heights area.

An amendment to the Land Development Regulations is necessary in order to provide a solution which extends beyond the time permitted under Florida law for Emergency Order 20-14 and others in the future. In addition, the amendment would provide for a consistent approach and not require the solution to be addressed on a case by case or area by area basis.

ISSUES:

This matter is time sensitive. Accordingly, a Notice of Public Hearings was published on July 24, 2020, scheduling a Local Planning Agency public hearing for August 6, 2020, followed by an August 11, 2020 public hearing before the Board of County Commissioner. Copy of the Notice is attached. The draft ordinance is being finalized and will be provided by Supplemental Memorandum. The ordinance will be available for review prior to the August 6, 2020 Local Planning Agency meeting.

LEGAL SUFFICIENCY REVIEW:

This is a legislative matter. Legislative decisions are those in which the local government formulates policy rather than applying specific rules to a particular situation. A local government's approval or denial of an issue in its legislative capacity is typically subject to a fairly debatable standard of review. Fairly debatable means that the government's action must be upheld if reasonable minds could differ as to the propriety of the decision reached. Decisions subject to the fairly debatable standard of review need only be rationally related to a legitimate public purpose, such as the health, safety, and welfare of the public, to be valid. Given this broad discretion, only decisions that arbitrary and capricious or illegal are subject to serious legal challenge.

RECOMMENDED ACTION:

RECOMMENDATION

Move that the Board adopt the proposed ordinance amending Section 3.201.C, Land Development Regulation.

ALTERNATIVE RECOMMENDATIONS

Move that the Board provide direction to staff for changes to the draft ordinance.

FISCAL IMPACT:

RECOMMENDATION

None

Funding Source	County Funds	Non-County Funds
Subtotal		
Project Total		

ALTERNATIVE RECOMMENDATIONS

None

DOCUMENT(S) REQUIRING ACTION:

- ☐ Budget Transfer / Amendment ☐ Chair Letter ☐ Contract / Agreement
☐ Grant / Application ☐ Notice ☒ Ordinance ☐ Resolution
☐ Other:

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