



City of North Port

RESOLUTION NO. 2023-R-41

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF NORTH PORT, FLORIDA, DECLARING A HOUSING EMERGENCY AS A RESULT OF HURRICANE IAN AND AUTHORIZING THE USE OF TEMPORARY STRUCTURES ON HOME SITES; PROVIDING FOR AUTOMATIC REPEAL; PROVIDING FOR INCORPORATION OF RECITALS; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, on September 23, 2022, Florida Governor Ron DeSantis issued Executive Order Number 22-218, declaring a state of emergency in Brevard, Broward, Charlotte, Collier, DeSoto, Glades, Hardee, Hendry, Highlands, Hillsborough, Indian River, Lee, Manatee, Martin, Miami Dade, Monroe, Okeechobee, Osceola, Palm Beach, Pasco, Pinellas, Polk, Sarasota, and St. Lucie Counties; and

WHEREAS, on September 24, 2022, Governor DeSantis issued Executive Order Number 22-219, amending Executive Order Number 22-218 to declare a state of emergency in the entire State of Florida; and

WHEREAS, on November 21, 2022, Governor DeSantis issued Executive Order Number 22-268, renewing for sixty (60) days the state of emergency and all provisions of Executive Order Number 22-218, as amended by Executive Order Number 22-219; and

WHEREAS, on January 19, 2023, Governor DeSantis issued Executive Order Number 23-21, renewing for sixty (60) days the state of emergency and all provisions of Executive Order Number 22-218, and as amended by Executive Order Number 22-219 as extended by Executive Order Number 22-268, and

WHEREAS, on March 17, 2023, Governor DeSantis issued Executive Order Number 23-60, renewing for sixty (60) days the state of emergency and all provisions of Executive Order Number 22-218, as amended by Executive Order Number 22-219 and as extended by Executive Order Number 22-268, and

WHEREAS, on September 25, 2022, the City Commission of the City of North Port, Florida adopted Ordinance No. 2022-30, declaring a state of local emergency due to Hurricane Ian; and

WHEREAS, on September 29, 2022, President Joe Biden declared that a major disaster exists in the State of Florida and ordered Federal aid to supplement recovery efforts in the areas affected by Hurricane Ian beginning on September 23, 2022, which makes federal funding available to local governments in Sarasota County; and

WHEREAS, the City Manager has issued administrative declarations extending the state of local emergency; and

WHEREAS, the impact of Hurricane Ian has caused damage throughout the City and displaced many City residents from their primary residences; and

WHEREAS, upon the City Commission declaring a housing emergency due to a natural or man-made disaster, Unified Land Development Code Section 53-240 authorizes a property owner whose existing home was damaged during the disaster to use a temporary structure such as one (1) mobile home, travel trailer, or recreational vehicle on the existing home site when certain criteria are met; and

WHEREAS, the City Commission has determined that declaring a housing emergency serves the public health, safety, and welfare of the citizens of the City of North Port, Florida.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF NORTH PORT, FLORIDA:

SECTION 1 – INCORPORATION OF RECITALS

1.01 The above recitals are true and correct and are incorporated in this resolution by reference.

SECTION 2 – DECLARATION OF A HOUSING EMERGENCY

2.01 The City Commission hereby declares the existence of a housing emergency for individuals who have been displaced from their primary residences due to damage caused by the natural disaster, Hurricane Ian.

2.02 Upon the declaration of a housing emergency by the City Commission following a natural disaster, Unified Land Development Code Section 53-240.K authorizes the use of a maximum of one (1) temporary structure such as a mobile home, travel trailer, or recreational vehicle for the sole occupancy by an existing resident of a damaged home on an existing home site, provided the home site meets the conditions in Section 53-240.K(2).

2.03 Unified Land Development Code Section 53-240.K(2)(h) provides that, pursuant to this declaration, the use of a temporary structure as a temporary residence in a zoning district where such use is otherwise prohibited, shall cease upon: (i) the repair or reconstruction of the individual’s residence at the home site; or (ii) eighteen (18) months after the effective date of this resolution (“Standard Expiration”).

If the Federal Emergency Management Agency extends the period for which funding from the Individual Assistance Program remains available and upon written application from the property owner, the City Manager is authorized to extend the use of an existing temporary structure, in six (6) month increments, for up to an additional eighteen (18) months beyond the Standard Expiration. A property owner must demonstrate that repair or reconstruction of the damaged home is progressing, or the reason why additional time is required.

SECTION 3 – AUTOMATIC REPEAL

3.01 Unless repealed sooner, this resolution shall be repealed automatically thirty-six (36) months after its effective date.

SECTION 4 – CONFLICTS

4.01 In the event of any conflict between the provisions of this resolution and any other resolution, in whole or in part, the provisions of this resolution will prevail to the extent of the conflict.

SECTION 5 – SEVERABILITY

5.01 If a court of competent jurisdiction finds that any section, subsection, sentence, clause, phrase, or provision of this resolution is for any reason invalid or unconstitutional, that provision will be deemed a separate, distinct, and independent provision and will not affect the validity of the remaining portions of the resolution.

SECTION 6 – EFFECTIVE DATE

6.01 This resolution takes effect immediately.

ADOPTED by the City Commission of the City of North Port, Florida, in public session on May 23, 2023.

CITY OF NORTH PORT, FLORIDA

BARBARA LANGDON
MAYOR

ATTEST

HEATHER FAUST, MMC
CITY CLERK

APPROVED AS TO FORM AND CORRECTNESS

AMBER L. SLAYTON, B.C.S.
CITY ATTORNEY