

**ORDINANCE NO. 2024-02**

**AN EMERGENCY ORDINANCE OF THE TOWN OF BELLEAIR SHORE, FLORIDA, PROVIDING THAT THE TOWN CODE OF ORDINANCES BE AMENDED BY ADDING SECTION 6-37 TO CHAPTER 6 ARTICLE II; PROVIDING FOR THE PLACEMENT OF MOBILE HOMES, TRAVEL TRAILERS, AND OTHER APPROPRIATE SHELTER IN RESIDENTIAL AREAS AS TEMPORARY ALTERNATIVE HOUSING; PROVIDING FOR A HOUSING EMERGENCY DECLARATION; PROVIDING FOR REGULATORY PROVISIONS; PROVIDING FOR REPEAL OF ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HERewith; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE; AND PROVIDING FOR ANY MODIFICATION THAT MAY ARISE FROM CONSIDERATION OF THE ORDINANCE AT PUBLIC HEARING.**

---

**WHEREAS**, the town of Belleair Shore Town Charter, section 8.03 provide that to meet a public emergency affecting life, health, property, or the public peace, the Town Commission (the “Commission”) may adopt one or more emergency ordinances, but such ordinances may not levy taxes; grant, renew or extend a franchise; set service or user charges for any municipal services; or authorize the borrowing of money; and

**WHEREAS**, a local state of emergency was declared on the 24th day of September 2024 due to Hurricane Helene; and

**WHEREAS**, a local state of emergency was declared on the 8th day of October 2024 due to Hurricane Milton; and

**WHEREAS**, because of the existing and continuing possibility of the occurrence of natural or manmade disasters or emergency and destruction of housing stock resulting therefrom, and in order to ensure the readiness of town to adequately deal with the loss of housing stock, it is desirable that the town implement a program to augment impaired housing stock by allowing, on a temporary basis, supplemental housing in zoning categories and land use categories that traditionally do not allow such housing alternatives and under conditions that are not otherwise permitted under the existing land development code; and

**WHEREAS**, under section 8.03, an emergency ordinance may be adopted with or without amendment or rejected at the meeting at which it is introduced, but the affirmative vote of a majority of the commission members shall be required. After its adoption, the ordinance shall be published and printed as prescribed for other adopted ordinances.

**NOW THEREFORE, BE IT ORDAINED BY THE TOWN COMMISSION OF THE TOWN OF BELLEAIR SHORE, FLORIDA, AS FOLLOWS:**



**Section 1. :** All of the foregoing findings are true and correct and shall be incorporated as if fully set forth herein.

**Section 2. :** Chapter 6, Article II, Section 6-37 of the Town of Belleair Shore Town Code shall hereby be added to read as follows:

Section 6-37: EMERGENCY HOUSING

(A) HOUSING EMERGENCY DECLARATION

1. Activation Upon declaration of a state of emergency pursuant to Section 8.04, and during the pendency thereof, the Board of Town Commissioners, 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.

2. Areas Embraced Housing Emergency Declaration must define the boundaries of all areas subject to the terms of this Section 6-37. The areas embraced may include the entire incorporated area of the Town as described in Section 2.01 of the Town Charter.

3. Termination

(1) A Housing Emergency Declaration survives the termination of a Local State of Emergency proclamation under Section 3.08 and may only terminate, in whole or in part, by formal action of the Board of Town Commissioners to amend or terminate the area embraced by the Housing Emergency Declaration.

(2) The status of the housing emergency shall be evaluated 90 days after its declaration and every 90 days thereafter as long as the Housing Emergency Declaration is in effect to determine if formal action by the Board of Town Commissioners is warranted to amend or terminate the Declaration.

4. Effect of a Housing Emergency Declaration Upon the activation of a Housing Emergency, the provisions of Section 6-37, below become applicable in all the areas embraced by the Housing Emergency Declaration. If there is Disaster Housing Plan adopted as a part of the County's Comprehensive Emergency Management Plan, all actions pursuant to Section 6-37, below, shall be consistent with that Disaster Housing Plan.

(b) REGULATORY PROVISIONS

1. Definitions:

A. 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, and water and wastewater treatment services.



B. Owner-Builder: Owners of property when acting as their own contractor and providing direct, onsite supervision themselves when building or improving single-family or two-family residences on such property for the occupancy or use of such owners and not offered for sale or lease.

C. Pre-Fabricated Dwelling: A unit that is factory built or built on site from modular parts and generally does not have wheels (for example, “Katrina” cottage).

D. 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.

E. 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 36 months.

F. Temporary Housing Unit: Manufactured housing, recreational vehicle, travel trailer, or pre-fabricated dwelling.

2. Single-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 their private, primary residence that is deemed uninhabitable due to damage from a disaster, given the following conditions. Such primary residence is defined as a parcel normally designated by the applicable future land use plan map and/or by the applicable zoning map as being a detached, single-family residential parcel.

- a) A permit for a temporary housing unit must be obtained through the Pinellas County Building & Development Review Services Department or the applicable municipal department.
- b) The permit for a temporary housing unit shall be issued for no more than thirty-six (36) months. Permit extensions may be allowed as warranted.
- c) A maximum of one (1) temporary housing unit will be allowed on an existing home site provided:
  - i. The home located on the site has been declared uninhabitable by the Pinellas County Building & Development Review Services Department or designee or the applicable municipal department.
  - ii. 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 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 Pinellas County Health Department approval.



- iii. Setback requirements will be waived during the duration that the temporary housing unit is permitted. However, the temporary housing unit cannot extend into any adjacent public right-of-way or onto any adjacent property.
- iv. Electrical service must be available on site and have a proper connection for a temporary housing unit.
- v. Only a licensed contractor or an owner-builder will be allowed to apply for a permit and perform any work related to the connection of plumbing, electrical and mechanical service systems at the site.

**Section 3.:** All other ordinances or resolutions which conflict wholly or in part with the provisions of this ordinance, are hereby repealed effective the date this ordinance becomes effective.

**Section 4.:** If any section, subsection, sentence, clause or phrase of the Ordinance is determined for any reason to be illegal, invalid, or unconstitutional by a court or regulatory body of competent jurisdiction, then the offending provision shall be deemed severable, shall not affect the validity of the remaining portions hereof, and the remainder shall continue in full force and effect.

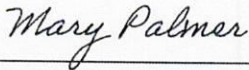
**Section 5.:** The effective date of this shall be immediately upon its passage in the manner provided by law.

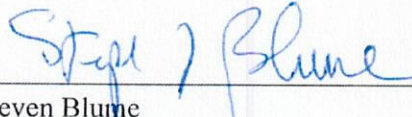
**Section 6.:** Amendment and adoption of this Ordinance may occur at the public hearing at which it is introduced.

**UPON MOTION DULY MADE AND CARRIED**, the foregoing ordinance was approved upon the first reading on the 15<sup>th</sup> day of October, 2024.


**TOWN OF BELLEAIR SHORE**

**ATTESTED BY:**

  
\_\_\_\_\_  
Mary Palmer  
Town Clerk

  
\_\_\_\_\_  
Steven Blume  
Mayor

APPROVED AS TO FORM AND CORRECTNESS:

  
\_\_\_\_\_  
Daniel P. Lewis, Esq.  
Town Attorney