

ORDINANCE NO. 11-020

AN ORDINANCE OF THE CITY OF GALVESTON, TEXAS, AUTHORIZING THE CONDITIONAL PLACEMENT AND USE OF TEMPORARY STORAGE UNITS, PRIVATELY OWNED TRAILERS, AND RECREATIONAL VEHICLES ON RESIDENTIAL PROPERTIES UNDERGOING CONSTRUCTION OR REPAIR OF THE PROPERTY THROUGH THE COMMUNITY DEVELOPMENT BLOCK GRANT DISASTER RECOVERY HOUSING PROGRAM (“CDBG-DR”); SUBJECT TO RULES AND REGULATIONS; PROVIDING FOR AN EFFECTIVE DEADLINE OF JANUARY 7, 2012; MAKING VARIOUS FINDINGS AND PROVISIONS RELATED TO THE SUBJECT.

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WHEREAS, the City Council recognizes the continued need for conditional placement and use of temporary storage units, privately owned trailers, and recreational vehicles on residential properties during the construction and/or repair of damaged structures at certain residential locations being rehabilitated through the Community Development Block Grant Disaster Recovery Housing Program (“CDBG-DR”); and

WHEREAS, the CDBG-DR is a housing recovery program administered by the Texas Department of Housing and Community Affairs (“TDHCA”) and funded by the US Department of Housing and Urban Development (“HUD”). The funds allow for construction and/or repair of residential structures in the aftermath of Hurricane Ike for qualified applicants; and

WHEREAS, during the construction or repair of the residential structure, those qualified participants receiving assistance through CDBG-DR have a continued need for temporary storage units and temporary housing on their residential properties; and

WHEREAS, staff has recommended certain rules and regulations, incorporated herein, allowing for conditional placement of temporary storage units, privately owned trailers, and recreational vehicles on residential properties being repaired through the CDBG-DR, and providing for an effective deadline, and providing for an effective deadline; and

WHEREAS, the City Council deems it in the public interest to authorize the temporary conditional placement and use of temporary storage units on residential locations to assist the property owner during construction or repair of the residential structure on said property through the CDBG-DR; and

WHEREAS, the City Council deems it in the public interest to authorize the temporary conditional placement and use of privately owned trailers and recreational vehicles as a viable transitional housing plan for city residents receiving assistance through the CDBG-DR; and

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GALVESTON, TEXAS:**

SECTION 1. The findings and recitations set out in the preamble to this Ordinance are found to be true and correct and they are hereby adopted by the City Council and made a part hereof for all purposes.

SECTION 2. The City Council hereby finds that it is in the public interest to authorize the conditional placement of temporary storage units, privately owned trailers, and recreational vehicles and adopting rules and regulations including, but not limited to, conditional permits, placement, maintenance, utilities, removal, sanitation, and other related health and safety matters for temporary storage units, privately owned trailers, and recreational vehicles located on damaged residential properties during construction or repair of residential structures through the CDBG-DR.

SECTION 3. The City Council grants the aforesaid variance to meet an urgent and compelling need to provide temporary storage and housing to eligible applicants of the CDBG-DR. All temporary storage units, privately owned trailers, and recreational vehicles located on residential properties must be removed upon thirty (30) days after Final Inspection has passed, a Certificate of Occupancy for the repaired building has been granted, or by January 7, 2012, whichever comes first.

SECTION 3. The City Council hereby declares the following rules and regulations pertaining specifically to temporary storage units, privately owned trailers, and recreational vehicles located on residential properties during construction or repair as part of the CDBG-DR shall remain in full force and effect:

**Temporary Storage Unit Information &  
Temporary Trailer/Recreational Vehicle Placement  
CDBG-DR Participants Waiver Regulations & Conditions**

**Definitions:**

A temporary storage unit shall mean a transportable unit including any container, storage unit, shed-like container or other portable structure designed and used primarily for temporary storage of building materials (before they are utilized for building purposes), household goods, and other such materials for use on a limited basis and shall not include storage of hazardous or toxic materials.

Camper—A portable dwelling designed to be used for casual travel being whether a self-propelled unit, or not, or an independent or dependent unit, including, but not limited to, truck campers, bus campers, and self-propelled travel homes.

Recreational Vehicle—A vehicular type unit primarily designed as temporary living quarters for recreational, camping, or travel use, which is self-propelled or is affixed to or drawn by another vehicle.

Trailer/Travel Trailer—A portable vehicular structure built on a chassis, which may or may not be self-propelled, being either a dependent or independent unit, designed for casual travel, and/or temporary living, including recreational vehicles.

### **Temporary Storage Unit:**

In order to place a temporary storage unit at your residential location, the following requirements apply:

- A Temporary Storage Unit waiver request must be submitted to the Department of Planning and Community Development for approval.
- Temporary storage units must be located on the property where the damaged residential building is located, not in the city right-of-way (including sidewalk areas, streets or alleys) unless authorized by the City of Galveston Department of Planning and Community Development and required traffic control measures are applied.
- The temporary storage unit may **only** be utilized by the property owner. No subletting of the temporary storage unit will be permitted.
- Temporary storage unit shall meet the zoning setbacks for the district upon which it is located, where practicable.
- The Temporary storage unit may not be utilized for habitation or for the storage of toxic or hazardous materials.
- No additional structures or accessory structures may be added to the temporary storage unit.
- The temporary storage unit must be removed from the property upon 30 days after Final Inspection has passed, a Certificate of Occupancy for the repaired building has been granted, or by *January 7, 2012*, whichever comes first.

### **Temporary Trailer/Recreational Vehicle Placement:**

In order to place a temporary trailer/recreational vehicle at your residential location, the following requirements apply:

- A permit by the City of Galveston must be issued in advance of placement, and may be subject to additional site conditions. Utility connections will require separate permits and approval.
- Trailers/Recreational Vehicles must be located on the property where the damaged residential building is located, not in the city right-of-way (including sidewalk areas, streets or alleys).
- The Trailer/Recreational Vehicle may **only** be occupied by the property owner of the subject residential building. No subletting of the Trailer/Recreational Vehicle will be permitted.

- Trailers/Recreational Vehicles shall meet the zoning setbacks for the district upon which it is located, where practicable.
- No additional structures or accessory structures may be added to the Trailer/Recreational Vehicle with the exception of ADA-compliant ramps.
- The Trailers/Recreational Vehicles unit must be removed from the property upon 30 days after Final Inspection has passed, a Certificate of Occupancy for the repaired building has been granted, or by *January 7, 2012*, whichever comes first.
- This does not include FEMA Temporary Housing Units.

All such vehicles such as trailers, mobile homes, recreational vehicles, etc. will be considered temporary in nature. A permit by the City of Galveston must be issued in advance of placement, and may be subject to additional site conditions. Utility connections will require separate permits and approval.

**SECTION 7.** The City Council hereby determines that this temporary waiver and suspension of regulations governing storage units, privately owned trailers, and recreational vehicles is considered reasonable for regulatory purposes to meet an urgent need for temporary storage and temporary housing. This Ordinance does not imply that land or the temporary storage units and temporary dwellings located within the Special Flood Hazard Area will be free from flooding or flood damages. This Ordinance shall not create liability on the part of the City or any official or employee thereof for any flood damages, property damage, or personal injury that result from reliance on this Ordinance or any administrative decision lawfully made thereunder.

**SECTION 8.** It is hereby declared to be the intention of the City Council that the sections, paragraphs, sentences, clauses or phrases of this Ordinance are severable and, if any phrase, clause, sentence, paragraph, or section of this Ordinance should be declared invalid by the final judgment or decree of any court of competent jurisdiction, such invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs, and sections of this Ordinance.

**SECTION 9.** All ordinances or the parts thereof in conflict herewith are repealed to the extent of such conflict only.

**SECTION 10.** In accordance with the provisions of Section 12 and 13 of Article II of the City Charter this Ordinance has been publicly available in the office of the City Secretary for not less than 72 hours prior to its adoption; that this Ordinance may be read and published by descriptive caption only.

**SECTION 11.** This Ordinance shall be and become effective from and after its adoption and publication in accordance with the provisions of the Charter of the City of Galveston.

**APPROVED AS TO FORM:**

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SUSIE GREEN  
CITY ATTORNEY

I, Douglas Godinich, Secretary for the City Council of the City of Galveston, do hereby certify that the foregoing is a true and correct copy of an Ordinance adopted by the City Council of the City of Galveston at its regular meeting held on the 14th day of April, 2011, as the same appears in records of this office.

IN TESTIMONY WHEREOF, I subscribe my name hereto officially under the corporate seal of the City of Galveston this \_\_\_\_\_ day of \_\_\_\_\_, 2011.

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Secretary for the City Council  
of the City of Galveston