

ORDINANCE NO. 08-068

AN ORDINANCE OF THE CITY OF GALVESTON, TEXAS, GRANTING A VARIANCE UNTIL APRIL 30, 2010 FROM FLOOD ELEVATION REQUIREMENTS FOR MANUFACTURED HOMES IN FLOODPLAINS FOR THE LIMITED PURPOSE TO ALLOW THE FEDERAL EMERGENCY MANAGEMENT AGENCY TO PROVIDE TEMPORARY DIRECT HOUSING ASSISTANCE IN THE FORM OF MANUFACTURED HOMES AND READILY FABRICATED DWELLINGS, PRIMARILY MOBILE HOMES AND PARK MODEL MOBILE HOMES, IN RESPONSE TO WIDESPREAD DAMAGE CAUSED BY HURRICANE IKE; REQUIRING MAKING VARIOUS FINDINGS AND PROVISIONS RELATED TO THE SUBJECT.

WHEREAS, on September 24, 2008, the City Council adopted Ordinance No. 08-052 continuing the Declaration of a Local State of Disaster for one year due to the catastrophic damage created by Hurricane Ike; and,

WHEREAS, due to widespread residential property damage necessitating repairs and rehabilitation and the unavailability of housing and rental properties including hotels, the City has an urgent need to provide temporary public housing for residents; and,

WHEREAS, on November 14, 2002 City Council adopted Ordinances No. 02-085 and 02-086 amending the City of Galveston Flood Damage Prevention Ordinance and the Flood Insurance Rate Maps to comply with a FEMA directive and the National Flood Insurance Program requirements; and,

WHEREAS, the City regulates manufactured housing placement and various City Code requirements including zoning, the International Residential Code, and utility regulations; and,

WHEREAS, the City has informed the State of Texas and requests the Federal Emergency Management Agency (FEMA) to provide direct assistance, in the form of manufactured homes and readily fabricated dwellings, to individuals and households affected by Hurricane Ike; and,

WHEREAS, the temporary variance will allow FEMA to initiate the process of providing these dwellings to eligible applicants within the 100-year flood plain to the fullest extent allowable by law; and,

WHEREAS, the City Council finds that it is in the public interest to protect public health, safety, property, and the general welfare of the public to grant a variance until April 30, 2010 from flood elevation requirements for manufactured homes in floodplains

for the limited purpose to allow the Federal Emergency Management Agency to provide temporary direct housing assistance in the form of manufactured homes and readily fabricated dwellings, primarily mobile homes and park model mobile homes, and to temporarily suspend City Code provisions governing manufactured housing as recommended by Public Works and the Department of Planning and Community Development in response to widespread damage caused by Hurricane Ike;

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 protect public health, safety, property, and the general welfare of the public to grant a variance until April 30, 2010 from flood elevation requirements for manufactured homes in floodplains for the limited purpose to allow the Federal Emergency Management Agency to provide temporary direct housing assistance in the form of manufactured homes and readily fabricated dwellings, primarily mobile homes and park model mobile homes, and to temporarily suspend City Code provisions governing manufactured housing as recommended by Public Works and the Department of Planning and Community Development in response to widespread damage caused by Hurricane Ike. This variance is granted to meet an urgent and compelling need to provide temporary housing to eligible applicants.

SECTION 3. That the placement of manufactured housing, placed by the Federal Emergency Management Agency, to be used as temporary housing for disaster applicants, within the City of Galveston, is allowed below the identified Base Flood Elevation as indicated on the Flood Insurance Rate Maps. This variance applies only to individual sites located on private residential property, cluster sites with two to five housing units, and community sites with six or more housing units. FEMA recognizes that its ability to place such housing in the floodplain is regulated by Federal law and specifically, but without excluding other limitations from law, FEMA assures that the housing units will be elevated to the highest level practicable, notwithstanding usual elevation standards of the City. FEMA further assures that it will not place such temporary housing within a floodway or coastal high hazard area and assumes the responsibility for providing utility connections, adequate access and egress to and from the proposed site of the temporary housing, adequate anchoring of the mobile home or fabricated dwelling, consideration of social and neighborhood patterns, and all related regulations governing placement of the temporary housing. FEMA will remove the temporary mobile homes or fabricated dwellings in accordance with the provisions of this Ordinance and will not otherwise sell or dispose of the temporary housing prior to their removal from the sites.

SECTION 4. This variance is limited in time in that this authority will end on April 30, 2010. All manufactured homes placed by the Federal Emergency Management Agency, using this authority, must be removed by April 30, 2010 or upon issuance of a Certificate of Occupancy for the repair or reconstruction of the individual's residence, whichever date comes first.

SECTION 5. The use of mobile homes and manufactured housing in zoning districts where such use is prohibited prior to the adoption of this ordinance shall cease upon issuance of a Certificate of Occupancy for the repair or reconstruction of the individual's residence or by April 30, 2010, whichever date is first. Cluster and community sites established by FEMA may be located in any zoning district within an eligible Special Flood Hazard Area subject to site plan approval.

SECTION 6. City Council hereby temporary suspends Section 29-87 of the Galveston Zoning Standards, and authorizes the Director of Planning of Community Development to issue temporary permits and enforce temporary rules and conditional regulations relating to the placement, permitting, maintenance, removal, and related health and safety matters for manufactured homes located on residential, cluster, and community sites.

SECTION 7. The City Council provides the City Manager the authority to approve community and cluster site locations. The City Council further authorizes the City Manager, or his designee, to make individual determinations for site plan approval subject to appropriate conditions and safeguards that are consistent with the general purposes and intent of this Ordinance and in accordance with any applicable rules contained in this Ordinance.

SECTION 8. The City Council hereby determines that this temporary waiver and suspension of regulations governing manufactured housing and mobile homes is considered reasonable for regulatory purposes to meet an urgent need for temporary housing. This Ordinance does not imply that land or the 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 9. It is hereby declared to be the intention of the City Council that the sections, paragraphs, sentences, clauses and 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, clause, sentences, paragraphs and sections of this Ordinance.

SECTION 10. All Ordinances or parts thereof in conflict herewith are repealed to the extent of such conflict only.

SECTION 11. In accordance with the provisions of Sections 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 12. 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:

Susie Green
City Attorney.

I, Barbara S. Lawrence, Secretary of 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 23rd day of October, 2008, 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 _____, 20____.

Secretary for the City Council
Of the City of Galveston