

ORDINANCE NO. ____

AN ORDINANCE OF THE COUNTY OF PINELLAS, PROVIDING THAT THE PINELLAS COUNTY CODE BE AMENDED BY ADDING NEW DIVISION 2 TO CHAPTER 34 ARTICLE II; PROVIDING FOR THE PLACEMENT OF MOBILE HOMES, TRAVEL TRAILERS, AND OTHER APPROPRIATE SHELTER IN RESIDENTIAL AREAS AND COMMERCIAL AREAS AS TEMPORARY ALTERNATIVE HOUSING; PROVIDING FOR A HOUSING EMERGENCY DECLARATION; PROVIDING FOR REGULATORY PROVISIONS; PROVIDING LOCAL COMPREHENSIVE PLAN AND COUNTYWIDE RULE AMENDMENTS WHERE NECESSARY FOR IMPLEMENTATION; PROVIDING FOR AREAS EMBRACED; PROVIDING FOR FILING OF THE ORDINANCE AND AN EFFECTIVE DATE; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; AND PROVIDING FOR ANY MODIFICATION THAT MAY ARISE FROM CONSIDERATION OF THE ORDINANCE AT PUBLIC HEARING.

WHEREAS, the Pinellas County Charter, Section 2.04(k), states that the County shall have all special and necessary power to furnish within the various municipalities the services and regulatory authority directly concerned with the development and implementation of civil preparedness programs; and

WHEREAS, when directly related to the furnishing of the services and regulatory authority associated with the development and implementation of civil preparedness programs, county ordinances shall prevail over municipal ordinances, when in conflict;

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 both the incorporated and unincorporated areas of Pinellas County to adequately deal with the loss of housing stock, it is desirable that Pinellas County 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, the coordination of implementation of this ordinance will be facilitated by amendment of local comprehensive plans and the Countywide Plan to allow alternative housing on a temporary and supplemental basis.

NOW, THEREFORE, IN REGULAR SESSION DULY ASSEMBLED ON THIS (DATE) DAY OF (MONTH), 2011, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF PINELLAS COUNTY, FLORIDA.

Section 1. Chapter 34, Article II, Division 2, Sections 34-36 through 34-39 of the Pinellas County Code are hereby added to read as follows:

Division 2: EMERGENCY HOUSING

Section 34-36 HOUSING EMERGENCY DECLARATION

(a) Activation Upon declaration of a state of emergency pursuant to Article II, Division 1 of this Chapter 34, and during the pendency thereof, the Board of County 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 part of the incorporated or unincorporated areas of Pinellas County.

(b) Areas Embraced Housing Emergency Declaration must define the boundaries of all areas subject to the terms of this Section 34-39. The areas embraced may include the entire unincorporated and incorporated areas of Pinellas County or any part thereof.

(c) Termination

(1) A Housing Emergency Declaration survives the termination of the Article II, Division 1 emergency declaration and may only terminate, in whole or in part, by formal action of the Board of County Commissioners to amend or terminate the areas embraced by the Housing Emergency Declaration.

(2) Partial Termination On its own initiative or upon petition by the governing body of a municipality, and based on findings regarding the status of housing stock in the areas being considered, the Board of County Commissioners may amend the Housing Emergency Declaration resolution to expand or contract the areas embraced.

(3) 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 County Commissioners is warranted to amend or terminate the Declaration.

(d) Effect of a Housing Emergency Declaration Upon the activation of a Housing Emergency, the provisions of Section 34-37, 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 34-37, below, shall be consistent with that Disaster Housing Plan.

Section 34-37: REGULATORY PROVISIONS

(a) Definitions:

(1) Community Sites: Option for temporary ~~interim~~ housing when extensive construction and building of an entire community, including such things as building roads; laying water, sewer, electrical, and telecommunications lines; and arranging for public transportation, police, fire, and emergency medical services, is involved.

(2) 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.

(3) 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.

(4) 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).

(5) 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.

(6) 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 18 months.

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

(8) Wrap-Around Services: The delivery of infrastructure and additional essential services to address disaster-related needs of affected residents living in community sites. These services go beyond the physical need for housing or political subdivision of a State and typically include basic social services and access to utilities, transportation, grocery stores, and medical and employment facilities.

(b) Single-Family or Two-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 or parcel allowing a duplex (two family) residence.

- (1) A permit for a temporary housing unit must be obtained through the Pinellas County Building & Development Review Services Department or the applicable municipal department.
- (2) The permit for a temporary housing unit shall be issued for no more than eighteen (18) months. Permit extensions may be allowed as warranted.
- (3) A maximum of one (1) temporary housing unit (or two (2) in the case of a two-family residence) will be allowed on an existing home site provided:
 - i. The home located on the site has been declared uninhabitable by the County's 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.
- (4) The use of a temporary housing unit in a zoning district where such use is prohibited prior to the declaration of the housing emergency shall cease no later than eighteen (18) months after the date of the issuance of the temporary housing building permit, unless an appropriate extension of the temporary permit has been granted.

In the case where a manufactured housing unit or a pre-fabricated dwelling unit are permitted, by zoning district or future land use designation, to be deemed as a permanent housing structure, and if

said structure is intended to become permanent, all applicable setback and other land development regulations shall apply.

(c) Multi-Family Residences and Non-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 regardless of the property's zoning and/or Comprehensive Future Land Use designation, exclusive of detached, single-family residential and two-family residential properties, given the following conditions:

- (1) A permit for a temporary housing unit must be obtained through the Pinellas County Building & Development Review Services Department or the applicable municipal department.
- (2) The permit for a temporary housing unit shall be issued for no more than eighteen (18) months. Permit extensions may be allowed as warranted.
- (3) A functioning public water and wastewater services shall be utilized if feasible. However, if connection to functioning public services is not feasible, other water and wastewater services may be utilized subject to Pinellas County Health Department approval.
- (4) An adequate, functional electrical service with proper connection for temporary housing units shall be utilized, if feasible, and are to the approval of the Pinellas County Building and Development Review Services or applicable building department.
- (5) Only a licensed contractor 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.
- (6) 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.
- (7) The use of a temporary housing unit in a zoning district where such use is prohibited prior to the declaration of the housing emergency shall cease no later than eighteen (18) months after the date of the issuance of the applicable building permit, unless an appropriate extension of the building permit has been granted.

In the case where a manufactured housing unit or a pre-fabricated dwelling unit are permitted, by zoning district or future land use designation, to be deemed as a permanent housing structure, and if said structure is intended to become permanent, all applicable setback and other land development regulations shall apply.

(d) Community Sites. 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 in a community site regardless

of the property's zoning and/or Comprehensive Future Land Use designation, exclusive of detached, single-family residential properties, subject to the following conditions:

- (1) Authorization from the Pinellas County Administrator (for unincorporated areas or County-owned property) or from the respective chief administrative official of a municipality of Pinellas County must be provided before arranging for the establishment of temporary housing in a group setting.
- (2) The community site may be, but is not limited to, an existing mobile home park with available pads, a recreation site, or vacant land that can accommodate temporary housing that may be built from the ground up as a community site.
- (3) A Concept Plan for the community site shall be approved by the Pinellas County Building & Development Review Services or the applicable municipal department prior to the issuance of permits for locating temporary housing units on the community site.
- (4) Permits must be obtained for the temporary housing units through the Pinellas County Building & Development Review Services Department or the applicable municipal department.
- (5) The permit for a temporary housing unit shall be issued for no more than eighteen (18) months. Permit extensions may be allowed as warranted.
- (6) Functioning public water and wastewater services shall be utilized if feasible. If connection to functioning public services is not feasible, other water and wastewater services may be utilized subject to Pinellas County Health Department approval.
- (7) An adequate, functional electrical service with proper connection for temporary housing units shall be utilized, if feasible, and are to the approval of the Pinellas County Building and Development Review Services or applicable building department.
- (8) Minimum setbacks shall be in compliance with the host parcel's zoning designation.
- (9) If no pavement is in place, all vehicular drives and parking areas shall at least be surfaced with shell, gravel or similar material to control dust.
- (10) The use of a temporary housing unit in a zoning district where such use is prohibited prior to the declaration of the housing emergency shall cease no later than eighteen (18) months after the date of the issuance of the applicable building permit, unless an appropriate extension of the building permit has been granted.

In the case where a manufactured housing unit or a pre-fabricated dwelling unit are permitted, by zoning district or future land use designation, to be deemed as a permanent housing structure, and if

said structure is intended to become permanent, all applicable setback and other land development regulations shall apply.

Section 34-38: IMPLEMENTATION THROUGH COMPREHENSIVE PLAN AND COUNTYWIDE PLAN RULE AMENDMENT

The Pinellas County Comprehensive Plan, municipal comprehensive plans, and the Countywide Rules shall be reviewed and amended as necessary to facilitate the implementation of the requirements of Sections 34-36 and 34-37.

Section 34-39: AREAS EMBRACED

Pursuant to Section 2.04(k) of the Pinellas County Charter and Chapter 252, Florida Statutes, this ordinance shall be effective in the incorporated as well as unincorporated areas of the County.

Section 2: FILING OF ORDINANCE; EFFECTIVE DATE

Pursuant to Section 125.66, Fla. Stat., a certified copy of this Ordinance shall be filed with the Department of State by the Clerk of the Board of County Commissioners within ten (10) days after enactment by the Board of County Commissioners. This Ordinance shall become effective upon filing of the ordinance with the Department of State.

SECTION 3: SEVERABILITY

If any Section, Subsection, sentence, clause, phrase, or provision of this Ordinance is for any reason held invalid or unconstitutional by any Court of competent jurisdiction, such holding shall not be construed to render the remaining provisions of this Ordinance invalid or unconstitutional.

SECTION 4: INCLUSION IN CODE

It is the intention of the Board of County Commissioners that the provisions of this Ordinance shall become and be made a part of the Pinellas County Code; and that the sections of this Ordinance may be renumbered or relettered and the word "ordinance" or "section" may be changed to section, article or such other appropriate word or phrase in order to accomplish such intentions.