

**Temporary Housing Ordinance Attachment**

Draft 3, 11/05/10

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 AND COUNTYWIDE COMPREHENSIVE PLAN 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 (“Statutory Housing Emergency Declaration”) or by resolution independently under its civil preparedness charter authority (“Charter Housing Emergency Declaration”), may declare a state of housing emergency for all or any part of the incorporated or unincorporated areas of Pinellas County.

(b) Areas Embraced Any Statutory or Charter 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 Statutory Housing Emergency Declaration terminates with the lapsing of the supporting original declaration of a state of emergency pursuant to Article II, Division 2 of this Chapter 34 or amendment of that declaration to remove the Statutory Housing Emergency Declaration.

(2) A Charter Housing Emergency Declaration survives the termination of the Article II, Division 2 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 Charter Housing Emergency Declaration.

(3) 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 Charter Housing Emergency Declaration resolution to expand or contract the areas embraced.

(d) Effect of a Housing Emergency Declaration Upon the activation of a Statutory Housing Emergency, by whatever means, the provisions of Section 34-37, below become applicable in all the areas embraced by the Charter Housing

Emergency Declaration. If there is an adopted 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) Upon the activation of a Charter Housing Emergency Declaration and subject to the conditions contained in this Section, temporary emergency housing structures, such as mobile homes, travel trailers, recreational vehicles, and pre-fabricated temporary cottages, may be used as temporary emergency 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.

- (1) A permit for a temporary emergency housing structure must be obtained through the Pinellas County Building & Development Review Services Department or the applicable municipal department.
- (2) The permit for a temporary emergency housing structure shall be issued for no more than one (1) year. Permit extensions may be allowed as warranted.
- (3) A maximum of one (1) temporary emergency housing unit for the sole occupancy by the displaced residents of the damaged home, will be allowed on an existing home site provided:
  - i. The home located on the site has been declared unsafe by the County's Building & Development Review Services Department or designee or the applicable municipal department.
  - ii. The water service and sanitary sewer 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 emergency housing structure is permitted. However, the temporary emergency housing structure 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 emergency housing structure.

- v. 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.
- (4) The use of a temporary emergency housing structure in a zoning district where such use is prohibited prior to the declaration of the housing emergency shall cease no later than one (1) year after the date of the issuance of the applicable building permit, unless an appropriate extension of the building permit has been granted.
- (b) Upon the activation of a Charter Housing Emergency Declaration and subject to the conditions contained in this Section, temporary emergency housing structures, such as mobile homes, travel trailers, recreational vehicles, and pre-fabricated temporary cottages, may be used as temporary emergency housing regardless of the property's zoning and/or Comprehensive Future Land Use designation, exclusive of detached, single-family residential properties, given the following conditions:
- (1) Subject to building requirements and regardless of the host parcel's zoning and/or Comprehensive Future Land Use designation.
  - (2) A permit for a temporary emergency housing structure must be obtained through the Pinellas County Building & Development Review Services Department or the applicable municipal department.
  - (3) The permit for a temporary emergency housing structure shall be issued for no more than one (1) year. Permit extensions may be allowed as warranted.
  - (4) 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) Electrical service must be available on site and have a proper connection for a temporary emergency housing structure.
  - (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.
  - (7) Setback requirements will be waived during the duration that the temporary emergency housing structure is permitted. However, the temporary emergency housing structure cannot extend into any adjacent public right-of-way or onto any adjacent property.
  - (8) The use of a temporary emergency housing structure in a zoning district where such use is prohibited prior to the declaration of the housing emergency shall cease no later than one (1) year after the date of the issuance of the applicable building permit, unless an appropriate extension of the building permit has been granted.
- (c) Upon the activation of a Charter Housing Emergency Declaration and subject to the conditions contained in this Section, temporary emergency housing

structures, such as mobile homes, travel trailers, recreational vehicles, prefabricated temporary cottages, and tents may be used as temporary emergency housing in a group setting regardless of the property's zoning and/or Comprehensive Future Land Use designation, exclusive of detached, single-family residential properties, given the following conditions:

- (1) Direction from the Pinellas County Administrator (for unincorporated areas) 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 group setting may be an existing mobile home park with available pads, recreation and open space, or vacant land that can accommodate temporary emergency housing and which may be built from the ground up as a new temporary emergency housing site.
- (3) A permit for a temporary emergency housing structure must be obtained through the Pinellas County Building & Development Review Services Department or the applicable municipal department.
- (4) The permit for a temporary emergency housing structure shall be issued for no more than one (1) year. Permit extensions may be allowed as warranted.
- (5) 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.
- (6) Minimum setbacks shall be in compliance with the host parcel's zoning designation.
- (7) 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.
- (8) The use of a temporary emergency housing structure in a zoning district where such use is prohibited prior to the declaration of the housing emergency shall cease no later than one (1) year after the date of the issuance of the applicable building permit, unless an appropriate extension of the building permit has been granted.

#### Section 34-38: IMPLEMENTATION THROUGH COMPREHENSIVE PLAN AMENDMENT

In furtherance of implementation The Pinellas County Countywide Plan and/or Rules for Administration of the Pinellas County Countywide Plan and the Housing element of that Countywide Plan shall be reviewed and amended as necessary to facilitate the implementation of the requirements of Section 34-36.

#### 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.