



**BOARD OF COUNTY COMMISSIONERS**

**DATE:** November 18, 2014

**AGENDA ITEM NO.** 2

**Consent Agenda** ☐

**Regular Agenda** ☐

**Public Hearing** ☒

**County Administrator's Signature:**

**Subject:**

Proposed Amendment to the Pinellas County Code Adding Division 2 of Chapter 34, Article II, Creating Regulations to Govern the Provision of Temporary Emergency Housing Following a Disaster.

**Department:**

Planning & Development Services

**Staff Member Responsible:**

Jacob Stowers, Executive Director

**Recommended Action:**

I RECOMMEND THAT THE BOARD OF COUNTY COMMISSIONERS (BOARD) CONDUCT THE SECOND OF TWO REQUIRED PUBLIC HEARINGS AND ADOPT THE PROPOSED PINELLAS COUNTY TEMPORARY EMERGENCY HOUSING ORDINANCE.

**Summary Explanation/Background:**

This proposed Ordinance provides the regulations and process for addressing temporary housing needs following a disaster declaration. The intent is to allow temporary emergency housing that would not otherwise be permitted in certain land use categories and zoning districts. Additionally, it will provide flexibility in the application of land development regulations to allow for the placement of temporary emergency housing. The proposed regulations would go into effect upon the declaration of a State of Housing Emergency by the Board of County Commissioners and would apply to all or any part of the incorporated and/or unincorporated areas of Pinellas County. Please see the attached Local Planning Agency (LPA) Report and Recommendation for additional information.

The Local Planning Agency (LPA) unanimously recommended approval of the proposed Ordinance during their September 11, 2014 public hearing, with two recommended changes. One recommendation was to allow certain mobile temporary housing units (Recreational Vehicles) to locate within the public right-of-way on a case-by-case basis in order to increase flexibility for properties that have insufficient onsite area to accommodate a temporary housing unit. Staff has inserted language into the proposed Ordinance to recognize the option for a person to request an appropriate permit for locating a temporary housing unit in the public right-of-way. The second recommendation was to temporarily delay permitting requirements for temporary housing units during a certain time period following a disaster, and provide for an after-the-fact permitting process for such cases. Staff, however, recommends against specifically allowing for after-the-fact permitting within the proposed Ordinance due to safety concerns and the high variability of the scope and scale of potential disasters.

The Board held its first public hearing on October 21, 2014 with no directed changes.

**Fiscal Impact/Cost/Revenue Summary:**

N/A

**Exhibits/Attachments Attached:**

Local Planning Agency Report and Recommendation  
Proposed Ordinance (strikethrough/underline version and clean version)

**LOCAL PLANNING AGENCY (LPA) RECOMMENDATION to the  
Board of County Commissioners**



**Regarding: Proposed Amendments to Chapter 34 of the Pinellas County  
Code Establishing Temporary Emergency Housing Regulations**

**LPA Recommendation:** The LPA finds that the proposed Ordinance amending Chapter 34 is consistent with the Pinellas County Comprehensive Plan and recommends the amendment be adopted by the Board of County Commissioners with the following recommended changes:

1. Allow certain mobile temporary housing units (e.g., recreational vehicles) to locate with the public right-of-way on a case-by-case basis in order to increase flexibility for properties that have insufficient onsite area to accommodate a temporary housing unit.
2. Delay permitting requirements for temporary housing units during a certain time period following a disaster, and provide for an after-the-fact permitting process for such cases.

(The Vote was 5-0, in favor)

**LPA Report No. LDR-21-9-14**

***LPA Public Hearing Date: September 11, 2014***

**PLANNING STAFF RECOMMENDATION:**

- Staff recommends that the LPA find the proposed Ordinance amending the Pinellas County Code consistent with the Pinellas County Comprehensive Plan.
- Further, staff recommends that the LPA recommend approval of the proposed Ordinance to the Pinellas County Board of County Commissioners following required public hearings.

**STAFF DISCUSSION AND ANALYSIS**

The proposed Temporary Emergency Housing Ordinance is the result of a lengthy collaborative endeavor directed at developing the regulations and process for addressing temporary housing needs following a disaster declaration. The intent is to provide for, on a temporary basis, housing options that would not normally be permitted in certain land use and zoning districts, as well as to ensure a certain amount of flexibility in the application of land

development regulations to allow for the provision and placement of temporary housing for residents displaced from their permanent homes as a result of a disaster. The proposed regulations would only go into effect upon declaration of a State of Housing Emergency by the Board of County Commissioners and could, depending on the scale and nature of the disaster, apply to all or any part of the incorporated and/or unincorporated areas of Pinellas County.

#### Single-Family and Two-Family Residential Parcels

Upon the activation of a Housing Emergency under the provisions of the proposed Ordinance, temporary housing may be provided on single-family and two-family residential parcels where the existing primary residence is declared uninhabitable due to damage from a disaster. Examples of types of temporary housing units include manufactured homes, recreational vehicles, and modular dwellings. A permit for the temporary housing unit must be obtained through the applicable local government's permitting process. The temporary unit must be removed within 12 months following the issuance of the permit, or when the Certificate of Occupancy is issued following repair or replacement of the on-site residence, whichever occurs first. Permit extensions for the temporary unit may be granted as appropriate, provided that repair or replacement of the damaged primary residence has commenced and continues in good faith. A maximum of one temporary housing unit (or two in the case of a two-family residence) is allowed per parcel. Utilities must be available and connected. Setback requirements will be waived; however the temporary unit may not encroach into any public right-of-way, conservation/drainage easement, floodway, or preservation area.

#### Multi-Family Residential Parcels and Non-Residential Parcels

Up to two temporary housing units may be used as temporary housing on a parcel in any zoning district that permits multi-family residential use or non-residential use, with the exception of parcels within Special Flood Hazard Areas, the Coastal High Hazard Area, or zoning districts that designate environmentally-sensitive land. To further economic development policies supporting job creation and retention – considered particularly imperative in post-disaster situations – properties having employment or industrial designations will be considered properties of last resort for locating temporary emergency housing. The same permitting requirements as those covering single-family parcels would apply.

#### Community Sites

Community sites are locations that allow three or more temporary housing units. These may include, but are not limited to, existing mobile home parks and mobile home subdivisions. Authorization from the applicable local government's chief administrative official is required to establish a community site. Community sites may be placed in any zoning district, subject to the same locational restrictions imposed on multi-family and non-residential parcels. A concept plan is required for community sites with more than 10 temporary housing units. Other permitting requirements are similar to those applying to single-family parcels, except that setbacks generally must be in compliance with the host parcel's zoning designation.

The proposed Temporary Emergency Housing Ordinance has been reviewed by local municipalities within the County (distributed via email on September 11, 2013 and again on August 4, 2014), the Pinellas Planning Council (PPC) staff and the Federal Emergency Management Agency (FEMA). It was also presented and discussed at the April 1, 2013 Planners Advisory Committee (PAC) meeting. Comments received have been reviewed and, where appropriate, incorporated into the Ordinance. Importantly, any municipality has the ability to opt out of the County Ordinance if they have adopted a municipal ordinance to

address local housing emergencies within their own jurisdiction. Otherwise, the County Ordinance would apply. Those towns and/or cities that choose to opt out are encouraged to use the County's Ordinance as a model to customize for their own purposes, as the resulting consistent approach among jurisdictions may expedite FEMA's relief efforts to the County as a whole in the event of a larger emergency. FEMA indicates that it is preferable to work within a consistent post-disaster regulatory framework, as it can make a countywide relief effort easier and more efficient.

In addition to this implementing Ordinance, amendments to municipal comprehensive plans and to the Countywide Rules will be required in order to recognize and support the allowance for alternative housing options and the coordinated process necessary for regulating the placement of those housing options on a temporary basis. For these reasons, the Local Mitigation Strategy group (comprised of County and municipal staff working together on disaster mitigation) will continue to regularly coordinate on the critical issue of emergency/temporary housing. The County's Comprehensive Plan already includes the required policy support (*Coastal Management Element Policy 1.1.14*) directing the development of a means to address emergency housing needs following a disaster. It is anticipated that the Countywide Rules will be amended to facilitate temporary emergency housing as part of the larger ongoing Countywide Plan update project.

The proposed Ordinance is scheduled for public hearings by the Board of County Commissioners on October 21, 2014 and November 18, 2014. Two public hearings are required, pursuant to Section 125.66(4)(b), Florida Statutes, when the proposed Ordinance amends the County Code to change the actual list of permitted, conditional, or prohibited uses within a zoning category.

#### **IMPLEMENTATION OF THE PINELLAS COUNTY COMPREHENSIVE PLAN**

The proposed Ordinance to amend Chapter 34 of the Pinellas County Code is consistent with the following adopted goal and policy of the Pinellas County Comprehensive Plan:

##### **Coastal Management Element:**

Goal One: Pinellas County will protect human life, private property and public investment from the effects of hurricanes and other natural disasters.

Policy 1.1.14.: By December 2012, Chapter 34 of the Pinellas County Code will be amended to address housing emergency declarations and indicate the circumstances and future land use categories where temporary housing will be considered an allowable use.

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**BCC Public Hearing Date:** October 21, 2014

##### **ATTACHMENTS:**

Proposed Ordinance (strike-through/underline version)

# **TEMPORARY EMERGENCY HOUSING ORDINANCE**

## **STRIKETHROUGH/UNDERLINE VERSION**

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, RECREATIONAL VEHICLES, 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 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), 2014, 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) Purpose: The purpose of this Division is to provide reasonable flexibility in land development regulations to afford temporary housing options to otherwise displaced residents during the aftermath of a disaster that rendered existing housing stock uninhabitable.

(b) 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 and/or unincorporated areas of Pinellas County.

(c) Areas Embraced:

(1) A Housing Emergency Declaration must define the boundaries of all areas subject to the provisions of this Section 34-36 and Section 34-37. The areas embraced may include the entire unincorporated and incorporated areas of Pinellas County or any part thereof.

(2) 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 or an official authority may amend the Housing Emergency Declaration resolution to expand or contract the areas embraced.

(d) 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 or an official authority to amend or terminate the areas embraced by the Housing Emergency Declaration.

(2) The status of the Housing Emergency Declaration 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 or an official authority is warranted to amend or terminate the Declaration.

(e) Effect of a Housing Emergency Declaration: Upon the activation of a Housing Emergency Declaration, the provisions of Section 34-37, below, become

applicable in all the areas embraced by the Housing Emergency Declaration. If there is a Disaster Housing Plan adopted as a part of the County's Comprehensive Emergency Management Plan, the Disaster Housing Plan shall be compatible with Section 34-37, below.

#### Section 34-37: REGULATORY PROVISIONS

(a) Definitions:

(1) Community Sites: Sites where three or more temporary housing units are provided. These sites can include, but are not limited to, existing mobile home parks and mobile home subdivisions, and areas where extensive construction and building of an entire community is involved, which may include such things as building roads; laying water, sewer, electrical, and telecommunications lines; and arranging for public transportation, police, fire, and emergency medical services.

(2) Essential Services: Services necessary to a basic standard of living and the general welfare of society. Services may include, but are not limited to, the following: electrical services, gas services, and water and wastewater treatment services.

(3) Manufactured Home: A structure, transportable in one or more sections, which in the traveling mode is 8 body feet or more in width or 40 body feet or more in length, or, when erected on site, is 320 square feet or more, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes plumbing, heating, air conditioning and electrical systems contained therein; except that such term shall include any structure that meets all the requirements of this paragraph except the size requirements and with respect to which the manufacturer voluntarily files a certification required by the secretary (U.S. Department of Housing and Urban Development) and complies with the standards established under this title. For mobile homes built prior to June 15, 1976, a label certifying compliance to the Standards for Mobile Homes, National Fire Protection Association (NFPA) 501, is required. For the purposes of these provisions, a mobile home shall be considered a manufactured home.

(4) Modular Dwelling Unit: Any residential unit, constructed to the standards promulgated by the Florida Building Commission, away from the installation site, and which bears a Department of Economic Opportunity insignia.

(5) Non-residential: On applicable future land use maps and zoning maps, future land use designations and zoning categories where residential uses are normally not permitted.

(6) 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.



(7) 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.

(8) 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 from 12 to 18 months.

(9) Temporary Housing Unit: Manufactured home, recreational vehicle, or modular dwelling unit.

(10) 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 and typically include basic social services and access to utilities, transportation, grocery stores, medical facilities, and employment opportunities.

(b) Single-Family or Two-Family Residential Parcels. Upon the activation of a Housing Emergency Declaration and subject to the conditions contained in this Subsection, temporary housing may be provided by placing temporary housing units on parcels of land where the existing primary residence is declared uninhabitable due to damage from a disaster. The damaged primary residence must be located on a parcel designated by the applicable future land use map and/or by the applicable zoning map for use as a detached, single-family residence or a two-family (duplex) residence.

- (1) A permit for a temporary housing unit must be obtained through the Pinellas County Planning and Development Services Department or the applicable municipal department or official.
- (2) The permit for a temporary housing unit shall be issued for no more than twelve (12) months. A temporary housing unit shall be removed no later than twelve (12) months after the date of the issuance of the temporary housing building permit, or the temporary housing unit shall be removed upon the issuance of the Certificate of Occupancy following the repair or replacement of the damaged on-site residence, whichever occurs first, unless an appropriate extension of the temporary housing permit has been granted by the applicable department or official, provided that repair or replacement of the damaged primary residence has commenced within the validity period of the temporary housing permit and continues in good faith.

- (3) A maximum of one (1) temporary housing unit (or two (2) in the case of a two-family residence) will be allowed on a parcel containing an existing home site provided:
- i. The home located on the parcel has been declared uninhabitable by the Pinellas County Planning and Development Services Department or designee or the applicable municipal department or official.
  - 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 temporary 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 public right-of-way, conservation/drainage easement, floodway, preservation area, or onto any adjacent property that is not owned by the household who will be residing in the temporary housing unit unless an applicable permit is obtained from the appropriate jurisdiction allowing the temporary housing unit to extend into the public right-of-way or there is written authorization from the adjacent property owner allowing the temporary housing unit to extend into the adjacent property.
  - iv. An adequate, functional electrical service with proper connection for temporary housing units shall be utilized, if feasible, and approved by the Pinellas County Planning and Development Services Department or applicable municipal department or official.
  - v. Only a state or locally 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. Contractors must be registered with the Pinellas County Construction Licensing Board.
- (4) In the case where a manufactured housing unit or a modular dwelling unit is permitted by the applicable zoning district or future land use designation as a permanent housing structure, and if said structure is intended to become permanent, all applicable setback and other land development regulations shall be met at the time when the housing unit becomes permanent.

(c) Multi-Family Residential Parcels and Non-Residential Parcels. Upon the activation of a Housing Emergency Declaration, up to two temporary housing units may be used as temporary housing on a parcel in any zoning district that

permits multi-family residential use or non-residential use, with the exception of parcels designated as Preservation, Conservation, or comparable designation for environmentally sensitive lands on the applicable future land use map and parcels covered under Subsection 34-37 (b), subject to the following conditions:

- (1) Temporary housing units shall not be permitted in the Preservation, Conservation, Preservation-Resource Management and similar applicable zoning districts that designate environmentally-sensitive land. Temporary housing units shall not be permitted on environmental lands that are owned or managed by Pinellas County, in Special Flood Hazard Areas (velocity zone or 100-year floodplain), in the coastal high hazard area as defined in the local government comprehensive plan (or coastal storm area, if adopted by the local government), or in any area in the federal, state, county, or municipal resource-based park or open space system that is determined by that agency to be of critical environmental significance.
- (2) To further economic development policies and strategies supporting job creation and retention, which would be particularly imperative in post-disaster situations, properties that have an industrial or employment zoning and/or future land use designation on a jurisdiction's respective zoning or future land use map shall not be considered appropriate locations for temporary emergency housing unless other suitable locations are not available. Properties having an industrial or employment designation shall be considered properties of last resort for locating temporary emergency housing.
- (3) A permit for a temporary housing unit must be obtained through the Pinellas County Planning and Development Services Department or the applicable municipal department or official.
- (4) The permit for a temporary housing unit shall be issued for no more than twelve (12) months. A temporary housing unit shall be removed no later than twelve (12) months after the date of the issuance of the temporary housing building permit, unless an appropriate extension of the temporary housing permit has been granted by the applicable department or official.
- (5) 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) An adequate, functional electrical service with proper connection for temporary housing units shall be utilized, if feasible, and approved by the Pinellas County Planning and Development Services Department or applicable municipal department or official.

- (7) Only a state or locally 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. Contractors must be registered with the Pinellas County Construction Licensing Board.
- (8) Setback requirements will be waived during the duration that the temporary housing unit is permitted. However, the temporary housing unit cannot extend into any public right-of-way, conservation/drainage easement, floodway, preservation area, or onto any adjacent property that is not owned by the household who will be residing in the temporary housing unit unless an applicable permit is obtained from the appropriate jurisdiction allowing the temporary housing unit to extend into the public right-of-way or there is written authorization from the adjacent property owner allowing the temporary housing unit to extend into the adjacent property.
- (9) In the case where a manufactured housing unit or a modular dwelling unit is permitted by the applicable zoning district or future land use designation as a permanent housing structure, and if said structure is intended to become permanent, all applicable setback and other land development regulations shall apply at the time when the housing unit becomes permanent.

(d) Community Sites. Upon the activation of a Housing Emergency Declaration, temporary housing units may be used as temporary housing in a community site regardless of the property's applicable zoning and/or future land use map designation, with the exception of parcels designated as Preservation, Conservation, or comparable designation for environmentally sensitive lands on the applicable future land use map, subject to the following conditions:

- (1) Any zoning district except Preservation, Conservation, Preservation-Resource Management and similar applicable zoning districts that designate environmentally-sensitive lands may be considered for a community site. A community site shall not be permitted on environmental lands that are owned or managed by Pinellas County, in Special Flood Hazard Areas (velocity zone or 100-year floodplain), in the coastal high hazard area as defined in the local government comprehensive plan (or coastal storm area, if adopted by the local government), or in any area in the federal, state, county, or municipal resource-based park or open space system that is determined by that agency to be of critical environmental significance.
- (2) The suitability of properties for community sites will be prioritized based on criteria to be established by Pinellas County in cooperation with the municipalities.

- (3) To further economic development policies and strategies supporting job creation and retention, which would be particularly imperative in post-disaster situations, properties that have an industrial or employment zoning and/or future land use designation shall not be considered appropriate locations for temporary emergency housing unless other suitable locations are not available. Properties having an industrial or employment designation shall be considered properties of last resort for locating temporary emergency housing.
- (4) 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, or their designee, must be provided before arranging for the establishment of a community site.
- (5) A Concept Plan for a community site of more than ten (10) temporary housing units shall be approved by the Pinellas County Planning and Development Services Department or the applicable municipal department or official prior to the issuance of permits for locating temporary housing units on the community site.
- (6) Permits must be obtained for the temporary housing units through the Pinellas County Planning and Development Services Department or the applicable municipal department or official.
- (7) The permit for a temporary housing unit shall be issued for no more than twelve (12) months. Permit extensions may be granted by the applicable department or official as appropriate.
- (8) 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.
- (9) An adequate, functional electrical service with proper connection for temporary housing units shall be utilized, if feasible, and approved by the Pinellas County Planning and Development Services Department or applicable municipal department or official.
- (10) Only a state or locally 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. Contractors must be registered with the Pinellas County Construction Licensing Board.
- (11) Minimum setbacks shall be in compliance with the host parcel's zoning designation, unless otherwise approved by the respective municipality.
- (12) In the case where a manufactured housing unit or a modular dwelling unit is permitted, by the applicable zoning district or future land use designation as a permanent housing structure, and if said structure is intended to become permanent, all applicable

setback and other land development regulations shall apply at the time when the housing unit becomes permanent.

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.

# **TEMPORARY EMERGENCY HOUSING ORDINANCE**

**CLEAN VERSION**

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, RECREATIONAL VEHICLES, 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 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), 2014, 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) Purpose: The purpose of this Division is to provide reasonable flexibility in land development regulations to afford temporary housing options to otherwise displaced residents during the aftermath of a disaster that rendered existing housing stock uninhabitable.

(b) 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 and/or unincorporated areas of Pinellas County.

(c) Areas Embraced:

(1) A Housing Emergency Declaration must define the boundaries of all areas subject to the provisions of this Section 34-36 and Section 34-37. The areas embraced may include the entire unincorporated and incorporated areas of Pinellas County or any part thereof.

(2) 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 or an official authority may amend the Housing Emergency Declaration resolution to expand or contract the areas embraced.

(d) 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 or an official authority to amend or terminate the areas embraced by the Housing Emergency Declaration.

(2) The status of the Housing Emergency Declaration 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 or an official authority is warranted to amend or terminate the Declaration.

(e) Effect of a Housing Emergency Declaration: Upon the activation of a Housing Emergency Declaration, the provisions of Section 34-37, below, become

applicable in all the areas embraced by the Housing Emergency Declaration. If there is a Disaster Housing Plan adopted as a part of the County's Comprehensive Emergency Management Plan, the Disaster Housing Plan shall be compatible with Section 34-37, below.

#### Section 34-37: REGULATORY PROVISIONS

(a) Definitions:

(1) Community Sites: Sites where three or more temporary housing units are provided. These sites can include, but are not limited to, existing mobile home parks and mobile home subdivisions, and areas where extensive construction and building of an entire community is involved, which may include such things as building roads; laying water, sewer, electrical, and telecommunications lines; and arranging for public transportation, police, fire, and emergency medical services.

(2) Essential Services: Services necessary to a basic standard of living and the general welfare of society. Services may include, but are not limited to, the following: electrical services, gas services, and water and wastewater treatment services.

(3) Manufactured Home: A structure, transportable in one or more sections, which in the traveling mode is 8 body feet or more in width or 40 body feet or more in length, or, when erected on site, is 320 square feet or more, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes plumbing, heating, air conditioning and electrical systems contained therein; except that such term shall include any structure that meets all the requirements of this paragraph except the size requirements and with respect to which the manufacturer voluntarily files a certification required by the secretary (U.S. Department of Housing and Urban Development) and complies with the standards established under this title. For mobile homes built prior to June 15, 1976, a label certifying compliance to the Standards for Mobile Homes, National Fire Protection Association (NFPA) 501, is required. For the purposes of these provisions, a mobile home shall be considered a manufactured home.

(4) Modular Dwelling Unit: Any residential unit, constructed to the standards promulgated by the Florida Building Commission, away from the installation site, and which bears a Department of Economic Opportunity insignia.

(5) Non-residential: On applicable future land use maps and zoning maps, future land use designations and zoning categories where residential uses are normally not permitted.

(6) 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.

(7) **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.

(8) **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 from 12 to 18 months.

(9) **Temporary Housing Unit:** Manufactured home, recreational vehicle, or modular dwelling unit.

(10) **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 and typically include basic social services and access to utilities, transportation, grocery stores, medical facilities, and employment opportunities.

(b) **Single-Family or Two-Family Residential Parcels.** Upon the activation of a Housing Emergency Declaration and subject to the conditions contained in this Subsection, temporary housing may be provided by placing temporary housing units on parcels of land where the existing primary residence is declared uninhabitable due to damage from a disaster. The damaged primary residence must be located on a parcel designated by the applicable future land use map and/or by the applicable zoning map for use as a detached, single-family residence or a two-family (duplex) residence.

- (1) A permit for a temporary housing unit must be obtained through the Pinellas County Planning and Development Services Department or the applicable municipal department or official.
- (2) The permit for a temporary housing unit shall be issued for no more than twelve (12) months. A temporary housing unit shall be removed no later than twelve (12) months after the date of the issuance of the temporary housing building permit, or the temporary housing unit shall be removed upon the issuance of the Certificate of Occupancy following the repair or replacement of the damaged on-site residence, whichever occurs first, unless an appropriate extension of the temporary housing permit has been granted by the applicable department or official, provided that repair or replacement of the damaged primary residence has commenced within the validity period of the temporary housing permit and continues in good faith.

- (3) A maximum of one (1) temporary housing unit (or two (2) in the case of a two-family residence) will be allowed on a parcel containing an existing home site provided:
- i. The home located on the parcel has been declared uninhabitable by the Pinellas County Planning and Development Services Department or designee or the applicable municipal department or official.
  - 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 temporary 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 public right-of-way, conservation/drainage easement, floodway, preservation area, or onto any adjacent property that is not owned by the household who will be residing in the temporary housing unit unless an applicable permit is obtained from the appropriate jurisdiction allowing the temporary housing unit to extend into the public right-of-way or there is written authorization from the adjacent property owner allowing the temporary housing unit to extend into the adjacent property.
  - iv. An adequate, functional electrical service with proper connection for temporary housing units shall be utilized, if feasible, and approved by the Pinellas County Planning and Development Services Department or applicable municipal department or official.
  - v. Only a state or locally 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. Contractors must be registered with the Pinellas County Construction Licensing Board.
- (4) In the case where a manufactured housing unit or a modular dwelling unit is permitted by the applicable zoning district or future land use designation as a permanent housing structure, and if said structure is intended to become permanent, all applicable setback and other land development regulations shall be met at the time when the housing unit becomes permanent.

(c) Multi-Family Residential Parcels and Non-Residential Parcels. Upon the activation of a Housing Emergency Declaration, up to two temporary housing units may be used as temporary housing on a parcel in any zoning district that

permits multi-family residential use or non-residential use, with the exception of parcels designated as Preservation, Conservation, or comparable designation for environmentally sensitive lands on the applicable future land use map and parcels covered under Subsection 34-37 (b), subject to the following conditions:

- (1) Temporary housing units shall not be permitted in the Preservation, Conservation, Preservation-Resource Management and similar applicable zoning districts that designate environmentally-sensitive land. Temporary housing units shall not be permitted on environmental lands that are owned or managed by Pinellas County, in Special Flood Hazard Areas (velocity zone or 100-year floodplain), in the coastal high hazard area as defined in the local government comprehensive plan (or coastal storm area, if adopted by the local government), or in any area in the federal, state, county, or municipal resource-based park or open space system that is determined by that agency to be of critical environmental significance.
- (2) To further economic development policies and strategies supporting job creation and retention, which would be particularly imperative in post-disaster situations, properties that have an industrial or employment zoning and/or future land use designation on a jurisdiction's respective zoning or future land use map shall not be considered appropriate locations for temporary emergency housing unless other suitable locations are not available. Properties having an industrial or employment designation shall be considered properties of last resort for locating temporary emergency housing.
- (3) A permit for a temporary housing unit must be obtained through the Pinellas County Planning and Development Services Department or the applicable municipal department or official.
- (4) The permit for a temporary housing unit shall be issued for no more than twelve (12) months. A temporary housing unit shall be removed no later than twelve (12) months after the date of the issuance of the temporary housing building permit, unless an appropriate extension of the temporary housing permit has been granted by the applicable department or official.
- (5) 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) An adequate, functional electrical service with proper connection for temporary housing units shall be utilized, if feasible, and approved by the Pinellas County Planning and Development Services Department or applicable municipal department or official.

- (7) Only a state or locally 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. Contractors must be registered with the Pinellas County Construction Licensing Board.
- (8) Setback requirements will be waived during the duration that the temporary housing unit is permitted. However, the temporary housing unit cannot extend into any public right-of-way, conservation/drainage easement, floodway, preservation area, or onto any adjacent property that is not owned by the household who will be residing in the temporary housing unit unless an applicable permit is obtained from the appropriate jurisdiction allowing the temporary housing unit to extend into the public right-of-way or there is written authorization from the adjacent property owner allowing the temporary housing unit to extend into the adjacent property.
- (9) In the case where a manufactured housing unit or a modular dwelling unit is permitted by the applicable zoning district or future land use designation as a permanent housing structure, and if said structure is intended to become permanent, all applicable setback and other land development regulations shall apply at the time when the housing unit becomes permanent.

(d) Community Sites. Upon the activation of a Housing Emergency Declaration, temporary housing units may be used as temporary housing in a community site regardless of the property's applicable zoning and/or future land use map designation, with the exception of parcels designated as Preservation, Conservation, or comparable designation for environmentally sensitive lands on the applicable future land use map, subject to the following conditions:

- (1) Any zoning district except Preservation, Conservation, Preservation-Resource Management and similar applicable zoning districts that designate environmentally-sensitive lands may be considered for a community site. A community site shall not be permitted on environmental lands that are owned or managed by Pinellas County, in Special Flood Hazard Areas (velocity zone or 100-year floodplain), in the coastal high hazard area as defined in the local government comprehensive plan (or coastal storm area, if adopted by the local government), or in any area in the federal, state, county, or municipal resource-based park or open space system that is determined by that agency to be of critical environmental significance.
- (2) The suitability of properties for community sites will be prioritized based on criteria to be established by Pinellas County in cooperation with the municipalities.

- (3) To further economic development policies and strategies supporting job creation and retention, which would be particularly imperative in post-disaster situations, properties that have an industrial or employment zoning and/or future land use designation shall not be considered appropriate locations for temporary emergency housing unless other suitable locations are not available. Properties having an industrial or employment designation shall be considered properties of last resort for locating temporary emergency housing.
- (4) 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, or their designee, must be provided before arranging for the establishment of a community site.
- (5) A Concept Plan for a community site of more than ten (10) temporary housing units shall be approved by the Pinellas County Planning and Development Services Department or the applicable municipal department or official prior to the issuance of permits for locating temporary housing units on the community site.
- (6) Permits must be obtained for the temporary housing units through the Pinellas County Planning and Development Services Department or the applicable municipal department or official.
- (7) The permit for a temporary housing unit shall be issued for no more than twelve (12) months. Permit extensions may be granted by the applicable department or official as appropriate.
- (8) 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.
- (9) An adequate, functional electrical service with proper connection for temporary housing units shall be utilized, if feasible, and approved by the Pinellas County Planning and Development Services Department or applicable municipal department or official.
- (10) Only a state or locally 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. Contractors must be registered with the Pinellas County Construction Licensing Board.
- (11) Minimum setbacks shall be in compliance with the host parcel's zoning designation, unless otherwise approved by the respective municipality.
- (12) In the case where a manufactured housing unit or a modular dwelling unit is permitted, by the applicable zoning district or future land use designation as a permanent housing structure, and if said structure is intended to become permanent, all applicable

setback and other land development regulations shall apply at the time when the housing unit becomes permanent.

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.

APPROVED AS TO FORM  
OFFICE OF COUNTY ATTORNEY

By   
Attorney