

CODE OF LAWS AND ORDINANCES AMENDMENT

PETITION

PL20190001899

ORIGIN

Planning Commission

SUMMARY OF AMENDMENT

This amendment seeks to assist and streamline post disaster recovery efforts for permanent home owners that require an extension for an onsite temporary emergency housing permit after the Board’s declaration of emergency. The amendment shall allow an administrative approval by the County Manager or designee, to extend a temporary use permit for six months periods until a certificate of occupancy has been issued.

HEARING DATES

BCC	TBD
CCPC	11-21-19
DSAC	10-02-19
DSAC-LDR	09-17-19

CODE OF LAWS AND ORDINANCES SECTION TO BE AMENDED

62-79 Temporary Emergency Housing
38-07 Determination of Damage, Buildback Policy, Moratoria, Emergency Repairs, and Emergency Permitting System

ADVISORY BOARD RECOMMENDATIONS

DSAC-LDR
Approved

DSAC
Approved

CCPC
TBD

BACKGROUND

When Ordinance 2019-09 was adopted by the Board on June 11, 2019, the Plantation Island Overlay District (PIO) was established with a new use to allow single family homes to be constructed within Plantation Island.

At the Neighborhood Information Hearing of November 15, 2018 in Everglades City, some residents requested there be an allowance to live in a recreational vehicle until their home was rebuilt. During the public vetting process, the Collier County Planning Commission received comments from Plantation Island and Chokoloskee Island area residents who had experienced difficulty with completing their permanent home construction because of uncontrollable events related to post disaster Hurricane Irma’s impact. To obtain temporary emergency housing, these residents found the temporary use permit time period of 180 consecutive days was burdensome and homes can take longer than one year to rebuild. Subsequently, the Planning Commissioners decided a six-month period for the temporary use of an onsite recreational vehicle or mobile home was not enough time to build-back some permanent homes. Accordingly, the Planning Commissioners unanimously agreed to recommend the Board authorize staff to evaluate the need to extend, beyond six months, such permits for temporary emergency housing and decide whether the extension period could be administratively implemented and if necessary, past one year.

For natural or man-made disasters, the Board’s determination of the need for temporary emergency housing is set forth by Code of Law (COL) Section 62-79 titled “Temporary Emergency Housing”. Additionally, for Civil Emergencies to expedite post disaster recovery efforts, COL Section 38-7 stipulates the *temporary use of recreational vehicles for living purposes is applicable for six months* where damage has rendered the principal residence uninhabitable. In addition, the Board of County Commissioners or the “Emergency Review Board” may extend the period by considering the extent and severity of the disaster. Subsequently, an extension for temporary emergency housing beyond 180 days requires the Board or Emergency Review Board approval. This amendment proposes to authorize the County Manager or designee to approve temporary use permit extensions for six-month periods, provided certain conditions are met, rather than the Board or Emergency Review Board.

Staff evaluated temporary use permits associated with post disaster recovery and found the primary delay in construction activity had not been by action of the home owner, but rather by uncontrollable events such as unavailable construction materials, subcontractors, and essential services. Staff is recommending, to avoid any potential for abuse or misinterpretation, a temporary use extension could be granted only when: the building permit is active, the home owner’s actions have not caused a delay in construction activity, evidence of uncontrollable events that caused a construction delay is justifiable, and additional time is required to obtain a certificate of occupancy.

FISCAL & OPERATIONAL IMPACTS

The amendment shall reduce staff’s time and improve the process for homeowners to obtain a temporary use permit for temporary emergency housing.

GMP CONSISTENCY

The proposed LDC amendment has been reviewed by Comprehensive Planning staff and may be deemed consistent with the GMP.

EXHIBITS: A- Temporary Placement of RV and Travel Trailer Application

1 Amend the Code of Laws as follows:

2
3 Chapter 62 - FLOODS

4 Article II. - FLOODPLAIN MANAGEMENT

5 Section 62-79. - Temporary emergency housing.

6
7 A. *Establishing the Need for Temporary Emergency Housing.* To establish the need for
8 temporary emergency housing, the Board of County Commissioners must determine and
9 declare by simple majority vote that an emergency condition exists due to a natural or man-
10 made disaster. Based upon that disaster declaration the County Manager, in consultation
11 with the Emergency Management Director and the Floodplain Administrator, is authorized to
12 allow for temporary emergency housing in the special flood hazard area.

13
14 B. *Placement of Temporary Emergency Housing within the Flood Hazard Area.* The Board of
15 County Commissioners or the County Manager or designee, in coordination with the
16 Floodplain Administrator, may allow for post-disaster emergency temporary manufactured
17 homes, recreational vehicles or similar resources provided by federal, state, and local
18 agencies within the flood hazard areas for a period of six months pursuant to subsection F
19 below. ~~This period may be extended by the Board taking the extent and severity of the~~
20 ~~disaster into account.~~ Additional six-month extensions for temporary emergency housing
21 may be administratively approved, by the County Manager or designee, when:

22
23 1. A homeowner has an active building permit and additional time is necessary
24 for an issuance of the certificate of occupancy; and

25
26 2. Any delay in construction activity has not been caused by action of the
27 homeowner and is the result of an uncontrollable event such as unavailable
28 construction materials, subcontractors, or essential services.

29
30 C. *Temporary Emergency Housing Prohibitions.* Temporary emergency housing shall not be
31 located in the VE or the Coastal A flood zones.

32
33 D. *Installation Standards.* Manufactured homes shall be placed in a manner consistent with
34 Section 15 (§ 62-83) of this ordinance. Recreational vehicles or similar road ready vehicles
35 shall comply with the requirements of Section 16 (§ 62-84) of this ordinance.

36
37 E. *Emergency Notification and Evacuation Plan.* An emergency notification and evacuation plan
38 shall be prepared to ensure the safety of the occupants of the temporary emergency
39 housing. The emergency notification and evacuation plan shall be submitted, within thirty
40 (30) days of occupancy of the temporary emergency housing units, for review and approval
41 to the Collier County Division of Emergency Management.

42
43 F. *Permit for the Temporary Placement of Emergency Housing.* Prior to the placement of all
44 temporary emergency housing in the special flood hazard area, the applicant shall be
45 required to submit a temporary permit application to the Floodplain Administrator affirming
46 that the structure is in compliance with this Section and 44 CFR 60.3(e).

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48 G. *Consistent with Post-Disaster Recovery Ordinance.* The efforts specified in this section shall
49 be consistent with Ordinance No. 2006-35, Section 7.

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Chapter 38 - CIVIL EMERGENCIES

ARTICLE I. - POST-DISASTER RECOVERY

Sec. 38-7. - Determination of damage, buildback policy, moratoria, emergency repairs, and emergency permitting system.

* * * * *

(c) To expedite recovery efforts and repair to damaged structures, the emergency review board is further authorized to:

(1) Allow the temporary use of recreational vehicles for living purposes on property where damage has rendered the principal residence uninhabitable for a period of six months after the disaster event. ~~This period may be extended by the board taking the extent and severity of the disaster into account.~~ Additional six-month extensions for the temporary use of recreational vehicles may be administratively approved, by the County Manager or designee, when:

1. A homeowner has an active building permit and additional time is necessary for an issuance of the certificate of occupancy; and

2. Any delay in construction activity has not been caused by action of the homeowner and is the result of an uncontrollable event such as unavailable construction materials, subcontractors, or essential services.

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Exhibit A-Temporary Placement of RV and Travel Trailer Application



Permit for the Temporary Placement of a Recreational Vehicle or a Travel Trailer Post Hurricane Irma

Pursuant to the Board of County Commissioners (10/10/17 Agenda Item 16.A.22), a Recreational Vehicle (RV) or a Travel Trailer (TT) may be allowed as a **temporary use for living purposes** on property where the principal residence (including a mobile home) has been rendered and confirmed by County Staff uninhabitable, so long as **the RV/TT is on the site for 180 consecutive days or less**, is not parked, stored, or encroach on any right-of-way easement, and is fully licensed and ready for highway use. A recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only a quick disconnect type utilities and security devices and has no permanently attached additions.

Instructions and General Information for Applicant:

1. Email this completed application and photos of the uninhabitable principal residence to permitpostirma@colliergov.net. Photos may include images of exterior and interior damages. In the email, include the applicant name, contact information, and address of the principal residence. A photo of this application is sufficient, but it must be complete and legible. Should emailing the application and photos be prohibitive, applicants may visit the Growth Management Department at 2800 North Horseshoe Drive, Naples, FL 34014 or the Immokalee Permitting Office located at 310 Alachua St., Immokalee, FL, 34142 to submit this application and photos. County Staff reserves the right to conduct an on-site inspection of the principal residence to determine habitability.
2. County Staff will inform the applicant by email or in person whether application has been approved, if additional information is needed, or if the application has been denied. If approved, County Staff will provide a copy of the signed application to the applicant and maintain a copy at the Growth Management Department at 2800 North Horseshoe Drive, Naples, FL 34014.
3. Applicant shall place the copy of the approved application in the driver's side windshield of the RV/TT or in the window next to the door if there is no driver's side windshield.
4. A temporary electrical pole must be applied for separately, visit www.colliergov.net/buildingapplications.
5. Applicants are encouraged to obtain a building permit to repair/replace the damaged principal residence as soon as possible.
6. There is no fee for this temporary permit.
7. If the RV/TT is provided by FEMA (with applicable documentation).

Application Information:

Name of Applicant: _____ Date of Request: _____

Phone Number: _____ Email: _____

Address of Primary Residence: _____

Describe damages incurred to Primary Residence:

Address where the RV/TT will be placed: _____

Check the method for electrical connection: _____ I will be applying for a temporary electrical pole OR _____ I will be connecting to the existing electrical meter at the primary residence.

Check the type of temporary housing: _____ RV OR _____ TT provided by FEMA; FEMA Registration Number: _____
OR _____ RV OR _____ TT is licensed by occupant; License # of the RV/TT: _____

I, _____ (name of applicant) on _____ (date) understand that this is a permit for the temporary placement of a RV/TT and that this permit is valid for 180 consecutive days or less, starting on the date of approval, noted below. I affirm that the RV/TT is, and will remain ready for highway use at all times. I further certify that the RV/TT complies with the requirements of agenda item 16.A.22, and will be removed from the property within 180 days, and agree to all terms, conditions, and compliance requirements outlined in the Collier County Land Use and Building code. I agree to heed evacuation orders issued by local emergency managers and understand that this RV/TT is not designed to be used as a shelter during a severe storm or whether related incident.

Signature: _____ Date: _____

Staff Only Section:

County Staff Approval: _____ Approval Date: _____

Date the Permit Expires: _____ Permit #: _____

Approval Method: _____