BOARD OF COUNTY COMMISSIONERS
AGENDA ITEM SUMMARY

Meeting Date: July 19-20, 2006 Division: Growth Management

Bulk Item: Yes ___ No X Department: Planning and Environmental Res.

Staff Contact Person: Ty Symroski

AGENDA ITEM WORDING:
A public hearing on an ordinance adopting amendments to Chapter 9.5 of the Land Development Regulations, modifying and making permanent Section 9.5-227, emergency temporary housing; providing for temporary placement of RVs, temporary airport construction housing, and temporary recovery or reconstruction housing; providing specific standards and procedures for approval of RVs, temporary airport construction housing and temporary recovery or reconstruction housing as temporary emergency housing.

(Only one public hearing required)

ITEM BACKGROUND:
During a regularly scheduled meeting held on June 13, 2006, the Development Review Committee recommended approval of the proposed amendments to the Planning Commission. During a regularly scheduled meeting held on June 28, 2006, the Planning Commission recommended approval of the proposed amendments to the BOCC.

PREVIOUS RELEVANT BOCC ACTION:
N/A

CONTRACT/AGREEMENT CHANGES: N/A

STAFF RECOMMENDATIONS: Approval.

TOTAL COST: N/A **BUDGETED:** Yes ___ No ___

COST TO COUNTY: N/A **SOURCE OF FUNDS:** ___

REVENUE PRODUCING: Yes ___ No ___ **AMOUNT PER MONTH** ___ **Year** ___

APPROVED BY: County Atty X OMB/Purchasing ___ Risk Management ___

DIVISION DIRECTOR APPROVAL: TS 6/30/2-6
Ty Symroski

DOCUMENTATION: Included X Not Required ___

DISPOSITION: ___ **AGENDA ITEM #** ___

ORDINANCE NO. -2006

AN ORDINANCE BY THE MONROE COUNTY BOARD OF COUNTY COMMISSIONERS ADOPTING AMENDMENTS TO CHAPTER 9.5 OF THE LAND DEVELOPMENT REGULATIONS, MODIFYING AND MAKING PERMANENT SECTION 9.5-227, EMERGENCY TEMPORARY HOUSING; PROVIDING FOR TEMPORARY PLACEMENT OF RVS, TEMPORARY AIRPORT CONSTRUCTION HOUSING, AND TEMPORARY RECOVERY OR RECONSTRUCTION HOUSING; PROVIDING SPECIFIC STANDARDS AND PROCEDURES FOR APPROVAL OF RVS, TEMPORARY AIRPORT CONSTRUCTION HOUSING AND TEMPORARY RECOVERY OR RECONSTRUCTION HOUSING AS TEMPORARY EMERGENCY HOUSING; PROVIDING FOR SEVERABILITY AND REPEAL OF ALL ORDINANCES INCONSISTENT HEREWITH; AMENDING AND/OR ADDING FOR CONSISTENCY PURPOSES RELATED PROVISIONS; PROVIDING AN EFFECTIVE DATE; PROVIDING FOR INCORPORATION IN THE MONROE COUNTY CODE OF ORDINANCES

WHEREAS, the Monroe County Board of County Commissioners (BOCC), after public hearing(s), has reviewed and considered the proposed amendments to the Land Development Regulations (LDRs), comments of the public, recommendations of the Planning Commission, the Development Review Committee and recommendations of staff and the Workforce Housing Task Force and its counsel, and other matters; and

WHEREAS, the BOCC hereby makes the following Findings of Fact:

1. Unincorporated Monroe County suffered significant property damage in 2005, particularly due to the storm surge from Hurricane Wilma.

2. Pursuant to F.S. 252.36, the Governor executed Executive Order 05-219, declaring a state of emergency in Florida.

3. Said declaration of emergency specifically invoked F.S. 252.46(1), authorizing political subdivisions to make such orders and rules necessary for emergency management purposes; and on November 16, 2005, Monroe County adopted Ordinance No. 32-2005 establishing Section 9.5-227 relating to emergency temporary housing, which ordinance as an emergency measure is set to expire on September 5, 2006.

4. The termination of the 2006 States of Local Emergency and the continued need for emergency temporary housing during the extended local recovery from Hurricane Wilma requires the BOCC to amend and replace the previously adopted interim development regulations with permanent provisions adopted pursuant to Chapter

163, F.S., to, among other things, deal with critical airport construction worker housing and the possible future need for emergency housing authority.

5. Citizens of Monroe County are still recovering from Hurricane Wilma effects and the threat of severe tropical weather in any given year requires that an emergency housing ordinance be adopted to permanently address, among other things, authority to maintain temporary RVs supplied by FEMA.

6. F.S. 252.311 and 252.38, respectively, mandate the development of emergency preparedness, response, recovery and mitigation capabilities as an important state interest and establish that safeguarding the life and property of the County's citizens through development of emergency management plans and programs, including those planning for emergency housing needs as set forth herein, is an innate responsibility of the BOCC.

7. F.S. 380.0552(7), Principles of Guiding Development, subsection (k), mandates the provision of adequate alternatives for the protection of public safety and welfare in the event of a natural or manmade disaster and for a post-disaster reconstruction plan.

8. Monroe County is currently proceeding with substantial construction of safety and capacity improvements at the County's airports, which airports are critical emergency preparedness components both for hurricane evacuations and post-storm recovery efforts.

9. Contractors now working on airport safety and capacity improvements must stage their temporary work crews from the Florida mainland and are experiencing severe difficulty in finding temporary housing for their crews.

10. The County has determined that delays in completing airport safety and capacity improvements are likely without contractors' staging of temporary RVs, trailers and other transient worker lodging facilities on airport property, and the County deems that any such delays will constitute a potentially grave public danger.

11. The County has determined that airport safety and capacity improvements at both Key West International Airport and Marathon Airport proceed without any avoidable delay.

12. Following the experience with Hurricane Wilma, the County has determined that delays in completing cleanup and reconstruction in the days and months immediately following hurricanes and tropical storms are likely, and any delays will exacerbate recovery efforts without permanent regulatory authorization in place to permit staging of temporary transient worker lodging facilities following a natural or manmade disaster.

13. Objective 501.9 of the Comprehensive Plan requires that Monroe County

be prepared to meet emergencies and rapidly changing circumstances in the Caribbean and the Gulf of Mexico.

14. Policy 501.9.1 of the Comprehensive Plan requires Monroe County to adopt Land Development Regulations containing provisions for permitting development of aviation facilities during emergencies.

15. Goal 501 of the Comprehensive Plan requires that Monroe County provide aviation facilities to all existing and future residents and guests in a manner that maximizes safety, convenience, economic benefit, environmental compatibility and consistency with other elements of the Comprehensive Plan.

16. Goal 216 of the Comprehensive Plan requires that Monroe County provide for hurricane evacuation, shelters and refuges, and communication capabilities to promote safeguarding of the public against the effects of hurricanes and tropical storms.

17. The County is currently in the process of amending its Comprehensive Plan and Land Development Regulations to address a broad range of affordable and employee housing issues, which Comprehensive Plan and regulation amendments the County plans to integrate with these permanent emergency housing regulations.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF MONROE COUNTY, FLORIDA, THE FOLLOWING: That the preceding findings support its decision to approve the amendments to the Land Development Regulations of the Monroe County Code as provided herein:

Section 1. Section 9.5-227, Monroe County Code, is hereby adopted to supercede interim Section 9.5-227 in its entirety to read as follows:

Sec. 9.5-227. Temporary Emergency Housing

(a) *Purpose*: It is the purpose of this section to provide regulations that allow for the relaxation of the use prohibitions in Article VII, Division 2 of this chapter to (1) allow temporary emergency housing during the recovery period from a natural or manmade disaster, including but not limited to hurricanes and tropical storms, (2) avoid delay in completing ongoing or future airport safety and capacity improvements, and (3) provide regulatory authority for placement of emergency temporary housing for workers responding to recovery and reconstruction efforts following natural or manmade disasters which are lawfully declared emergencies by any federal, state or local governmental emergency declaration authority.

(b) *Definitions:* As used in this ordinance, the following terms shall have the definitions provided, unless the context clearly provides otherwise:

(1) *Recreation vehicles* shall be as defined in Sec. 320.01, Florida Statutes.

(2) *Temporary emergency housing* shall mean "recreational vehicles" (or similar approved sheltering units) used for temporary occupancy in response to natural or manmade disasters, including but not limited to hurricanes and tropical storms, where such recreational vehicles or similar units are provided to residents as part of emergency relief efforts.

(c) *Placement of single RVs (or similar sheltering units) for temporary emergency housing on single family lots*: Notwithstanding the provisions of this chapter, recreational vehicles (or similar approved sheltering units) may be placed on a single family lot for temporary occupancy by tenants displaced by natural or manmade disaster damage to the lawfully-established dwelling unit on the lot subject to the following conditions:

(1) The dwelling has incurred sufficient damage to make the dwelling uninhabitable as determined by photographic evidence provided by the applicant or an inspection by an official from a federal or state governmental relief agency, the county building department or code enforcement department;

(2) A building permit is issued for repair of damages caused by the casualty event to make the residential structure habitable no fewer than ninety (90) days from placement of the RV (or similar sheltering unit) on the property;

(3) Placement of the RV (or similar sheltering unit) shall require a no-fee building permit, linked to the building permit issued for casualty damage repair, that shall require, prior to its issuance, approval by the building official of its siting location on the lot and a Department of Health permit authorizing the connection of the RV (or similar sheltering unit) to an on-site wastewater treatment and disposal system or to an existing community wastewater treatment system;

(4) The size of the RV (or similar sheltering unit) to be placed on the lot shall be limited to eight (8) feet in width and thirty-two (32) feet in length, if lacking self-propulsion, and eight (8) feet in width and forty-two (42) feet in length, if self-propelled;

(5) The RV (or similar sheltering unit) shall remain on the property for a period not to exceed 180 days from the date of permit issuance or until the final inspection or certificate of occupancy is issued on the repairs made to the residential dwelling, whichever comes later, but in no case more than 180 days from the date of permit issuance without a written extension from the county building official or his representative not to exceed an additional 180 days based upon the building official or his representative's determination that good cause has been shown for the need for an extension and that the RV (or similar sheltering unit) is

adequately tied down and secured so as not to present an undue hazard to persons or property in a high-wind or flood event. However, nothing in this section shall prevent the County or any state or federal authority to terminate without notice the authority to keep any RVs (or similar sheltering units) otherwise authorized under this section should it be deemed required for the public safety.

(d) *Placement of RVs (or similar sheltering units) for temporary emergency housing on non-residential properties*: Notwithstanding the provisions of this chapter, one (1) or more RVs (or similar sheltering units) may be temporarily placed by permit on properties in non-residential land use districts and on publicly-owned lands, excluding lands designated for conservation and resource protection, to house County residents displaced by natural or manmade disaster or casualty event and/or disaster recovery workers. The size of the RVs (or similar sheltering units) to be temporarily placed shall be in accordance with (c)(4), above. Permitting approval of the temporary placement of RVs (or similar sheltering units) shall require submittal of a no-fee permit application to the building department to be approved by the building official, including a site plan pursuant to requirements established by the building official. Upon final inspection by the building official of the temporary construction granted by said permit, authorization for the occupancy of the property for temporary emergency housing shall not exceed 180 days from the date of the final inspection without a written extension from the county building official or his representative not to exceed an additional 180 days based upon the building official or his representative's determination that good cause has been shown for the need for the extension and that the RV (or similar sheltering unit) is adequately tied down and secured so as not to present an undue hazard to persons or property in a high-wind or flood event. However, nothing in this section shall prevent the County or any state or federal authority to terminate without notice the authority to keep any RVs (or similar sheltering units) otherwise authorized under this section should it be deemed required for the public safety.

(e) *Placement of single RVs, trailers and other temporary dwelling structures (together "temporary airport construction housing facilities") for temporary emergency contractor housing on County airport properties*: Notwithstanding the provisions of this chapter, recreational vehicles, trailers and other temporary dwelling structures may be placed on Monroe County airport properties for temporary occupancy by contractors completing airport safety and capacity improvements subject to the following conditions:

(1) Placement of temporary airport construction housing facilities must not impede or interfere with aviation operations or safety and must conform to any applicable FAA regulations;

(2) No clearing or filling of environmentally sensitive lands may occur as a result of providing temporary airport construction housing facilities;

(3) All temporary airport construction housing facilities shall be adequately tied down, provide for proper solid waste disposal, and require

a no-fee building permit linked to existing airport construction permits, that shall require, prior to their issuance, approval by the County building official of their siting location(s) and Department of Health permits or authorization for the connection of the temporary airport construction housing facilities to an on-site wastewater treatment and disposal system or to an existing community wastewater treatment system;

(4) Temporary airport construction housing facilities shall ensure that temporary electrical and sewage lines do not constitute an attractive nuisance to children or homeless persons in the area (i.e., sufficient temporary fencing may be required by the building official);

(5) Temporary airport construction housing facilities shall remain on the property for a period not to exceed thirty (30) days from the date of completion of the related airport construction work, unless extended by resolution of the BOCC;

(6) The only persons permitted to reside for any period in temporary airport construction housing facilities are individuals who while in Monroe County are actually gainfully employed on a fulltime basis in completing airport safety and capacity improvements at a Monroe County airport. All residents or occupants of temporary airport construction housing facilities must be required to timely evacuate in accordance with local evacuation orders.

(f) *Placement of single RVs, trailers and other temporary dwelling structures (together "temporary recovery or reconstruction housing facilities") for temporary emergency worker housing*: Notwithstanding the provisions of this chapter, recreational vehicles, trailers and other temporary dwelling structures may be placed on public or private property within Monroe County for temporary occupancy by workers occupied in response to cleanup and reconstruction efforts following a natural or manmade disaster subject to the following conditions:

(1) An Emergency Directive or Resolution of the BOCC is issued authorizing the placement of the temporary recovery or reconstruction housing facilities;

(2) Placement of temporary recovery or reconstruction housing facilities must not impede or interfere with other emergency and recovery operations or public safety;

(3) Temporary recovery or reconstruction housing facilities shall be adequately tied down and provide for proper solid waste disposal, and where used to house workers involved in reconstruction activities, shall require a no-fee building permit linked to the required demolition or building permits for the related reconstruction activities. Where the

temporary recovery or reconstruction housing facilities are used to house workers involved in reconstruction activities, any required demolition or building permits for the related reconstruction activities must be issued within ninety (90) days from the placement of the temporary recovery or reconstruction housing facilities on an approved site. Prior to the issuance of no-fee building permits for any temporary recovery or reconstruction housing facilities, the County building official shall approve of the siting of the facilities and the Department of Health shall permit or otherwise authorize the connection of the temporary recovery or reconstruction housing facilities to an on-site wastewater treatment and disposal system or to an existing community wastewater treatment system;

(4) No clearing or filling of environmentally sensitive lands may occur as a result of providing temporary recovery or reconstruction housing facilities;

(5) Temporary recovery or reconstruction housing facilities shall ensure that temporary electrical and sewage lines do not constitute an attractive nuisance to children or homeless persons in the area (i.e., sufficient temporary fencing may be required by the building official);

(6) Temporary recovery or reconstruction housing facilities shall remain in place only for the period expressly set forth in the relevant authorizing emergency directive or board resolution. However, with respect to any particular site, the building official may extend the allowed placement one (1) or more times for a cumulative period not to exceed 180 days, and with respect to one (1) or more, or all permitted sites, the BOCC may by resolution extend the period of permitted placement as deemed necessary or expedient to the public good. However, nothing in this section shall prevent the County or any state or federal authority to terminate without notice the authority to keep any temporary housing structures otherwise authorized under this section should it be deemed required for the public safety;

(7) The only persons permitted to reside for any period in temporary recovery or reconstruction housing facilities are individuals who while in Monroe County are actually gainfully employed on a fulltime basis in completing cleanup and reconstruction efforts following a natural or manmade disaster. All residents of temporary recovery or reconstruction housing facilities who were not permanent residents of Monroe County prior to first occupying such housing facilities must be required to evacuate in accordance with local evacuation orders. Residents of any temporary recovery or reconstruction housing facilities who were permanent residents of Monroe County prior to first occupying such housing facilities may not remain in temporary recovery or reconstruction

housing facilities during any period when a local evacuation order is in effect.

Section 2. Severability.

If any section, paragraph, subdivision, clause, sentence or provision of this ordinance shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair, invalidate, or nullify the remainder of this ordinance, but the effect thereof shall be confined to the section, paragraph, subdivision, clause, sentence or provision immediately involved in the controversy in which such judgment or decree shall be rendered.

Section 3. Conflicting Provisions.

In the case of direct conflict between any provision of this ordinance and a portion or provision of any federal or state law, rule, code or regulation, the more restrictive shall apply. All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed to the extent of such conflict.

Section 4. Transmittal.

This ordinance shall be transmitted by the Planning and Environmental Resources Department to the Florida Department of Community Affairs to determine the consistency of this ordinance with the Florida Statutes and as required by F.S. 380.05(6) and (11).

Section 5. Filing.

This ordinance shall be filed in the Office of the Secretary of State of Florida but shall not become effective until a notice is issued by the Department of Community Affairs or Administration Commission approving the ordinance.

Section 6. Effective Date.

This ordinance shall become effective as provided by law and stated above. Where Comprehensive Plan amendments may be required in order for any part of this ordinance to be deemed consistent with the Comprehensive Plan, the effective date of such part shall be as of the effective date of the required Comprehensive Plan amendment and as otherwise required by law.

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PASSED AND ADOPTED by the Board of County Commissioners of Monroe County, Florida at a regular meeting held on the _____ day of _____, 2006.

Mayor Charles "Sonny" McCoy	_____
Mayor Pro Tem Dixie Spehar	_____
Commissioner George Neugent	_____
Commissioner Glenn Patton	_____
Commissioner David Rice	_____

BOARD OF COUNTY COMMISSIONERS
OF MONROE COUNTY, FLORIDA

BY: _____
Mayor Charles "Sonny" McCoy

(SEAL)
ATTEST: DANNY L. KOLHAGE, CLERK

_____
Deputy Clerk

APPROVED AS TO FORM:

_____
County Attorney 7/5/06

Jerry Coleman, Esq.
John C. Rockwell, Esq. (FL only)
Email: jerrycolemanpl@bellsouth.net
jrockwellesq@bellsouth.net

JERRY COLEMAN, P.L.
201 Front Street, Suite 203
Key West, Florida 33040
(Admitted Florida and New York)

Truman Annex
Building 21 Second Floor
Tel: 305-292-3095
Fax: 305-296-6200

MEMORANDUM (STAFF REPORT)

TO: **Monroe County Board of County Commissioners**

FROM: **Jerry Coleman**

DATE: **July 3, 2006**

MEETING DATE: **July 19-20, 2006**

RE: **AN ORDINANCE BY THE MONROE COUNTY BOARD OF COUNTY COMMISSIONERS ADOPTING AMENDMENTS TO CHAPTER 9.5 OF THE LAND DEVELOPMENT REGULATIONS, MODIFYING AND MAKING PERMANENT SECTION 9.5-227, EMERGENCY TEMPORARY HOUSING; PROVIDING FOR TEMPORARY PLACEMENT OF RVS, TEMPORARY AIRPORT CONSTRUCTION HOUSING, AND TEMPORARY RECOVERY OR RECONSTRUCTION HOUSING; PROVIDING SPECIFIC STANDARDS AND PROCEDURES FOR APPROVAL OF RVS, TEMPORARY AIRPORT CONSTRUCTION HOUSING AND TEMPORARY RECOVERY OR RECONSTRUCTION HOUSING AS TEMPORARY EMERGENCY HOUSING**

I. BACKGROUND

This memorandum/staff report addresses the proposed ordinance scheduled to be presented to the BOCC at its regularly scheduled meeting on July 19-20, 2006 in Key West. These amendments proposed as modified emergency regulations were tabled by the BOCC at the County Attorney's suggestion at the BOCC's May 17, 2005 regularly scheduled meeting in Key Largo. During a regularly scheduled meeting held on June 13, 2006, the Development Review Committee recommended approval of the proposed amendments to the Planning Commission. During a regularly scheduled meeting held on June 28, 2006, the Planning Commission recommended approval of the proposed amendments to the BOCC. These are now being proposed as permanent Land Development Regulations to address emergency housing scenarios and urgent current airport upgrades.

The proposed amendments will allow for several things in light of hurricanes and other severe weather or manmade disaster events which cause damage to housing, displacement of residents and the need to provide temporary housing for relief workers and contractors responding to

recovery and reconstruction efforts in a disaster aftermath.

The County has found post-Wilma trailer sheltering of permanent residents to be analogous to the emergency temporary housing situation faced by the County's subcontractors now working to complete critical airport renovations. Many permanent residents are at this very time residing in FEMA-supplied emergency trailers, and these trailers are in many cases stationed on properties with existing dwelling units that are under repair. To our knowledge no dwelling unit allocations have been received for these temporary dwellings, and in our opinion none are needed given the facts. It is our legal opinion that locating and use of FEMA trailers throughout the County neither violates nor even implicates our rate-of-growth or other land development regulations, so long as the subject trailers are intended to be, and in the end are, temporary dwellings brought in for use in response to a bona fide emergency.

Subsections (c) and (d) of the proposed ordinance will replace Ordinance No. 32-2005, which was adopted as an emergency measure by the BOCC on November 16, 2005 and which is set to expire on September 5, 2006. It now permanently provides for placement of single recreational vehicles or similar sheltering units for temporary emergency housing (RVs) on single family lots for occupancy by residents displaced by disaster damage to the corresponding lawfully established dwelling unit subject to the following:

- The dwelling unit on the lot has been rendered uninhabitable by disaster damage as determined by photographic evidence or official inspection;

- A building permit is applied for and issued for repair of the damages within 90 days from placement of the RV on the property;

- Placement of the RV shall require a no-fee building permit approving the RV placement location and a Department of Health permit authorizing the connection of the RV to either an on-site wastewater treatment and disposal system or an existing community wastewater treatment system;

- The size of the RV may not exceed 8 feet in width and 32 feet in length if lacking self propulsion and, if self propelled, the RV may not exceed 8 feet in width and 42 feet in length; and

- The RV shall remain on the property for a period not to exceed the earlier of 180 days from the date of permit issuance or the date the final inspection or certificate of occupancy is issued on the repairs made to the damaged residential dwelling (with provisions for extensions in certain circumstances).

In light of the small size of many residential lots and narrow streets in many areas of the Keys which may inhibit placement of RVs on residential lots, the ordinance provides for placement of RVs for temporary emergency housing on non-residential properties in non-residential land use districts and on publicly-owned lands (excluding lands designated for conservation and resource protection) to house County residents similarly displaced and/or to house disaster recovery

workers, subject to the following conditions:

- The size of the RVs (or similar sheltering units) to be temporarily placed shall be in accordance with the above size restrictions (subsection (c)(4) of the ordinance);

- Permitting approval of the temporary placement of RVs (or similar sheltering units) shall require submittal of a no-fee permit application to the building department to be approved by the building official, including a site plan pursuant to requirements established by the building official; and

- Upon final inspection by the building official of the temporary construction granted by the permit, authorization for the occupancy of the property for temporary emergency housing shall not exceed 180 days from the date of the final inspection without a written extension from the county building official or his representative not to exceed an additional 180 days based upon the building official or his representative's determination that good cause has been shown for the need for the extension and that the RV (or similar sheltering unit) is adequately tied down and secured so as not to present an undue hazard to persons or property in a high-wind or flood event.

The proposed amendments allow for placement of RVs, trailers and other temporary dwelling structures for temporary emergency contractor housing on County airport properties.

While subcontractors might normally find housing for their construction and other temporary employees available in the local housing "market," our market is not a normal one due to numerous factors including, but not limited to, the loss of available workforce housing generally (even for permanent resident workers) and the devastating housing problems arising from and relating to Hurricane Wilma.

The County's subcontractors have found the housing shortage so acute that it is impairing their ability to repair and upgrade critical County transportation infrastructure; namely, our airports. Airport upgrading simply cannot be safely or economically delayed. Our airports not only serve as a vital element of our tourism-based economy, but as an absolutely mission-critical component of the County's hurricane evacuation and recovery response obligations. These facilities must be upgraded according to current plans, and the undersigned has found nothing in the Comprehensive Plan or the Land Development Regulations that would prohibit temporary trailer-type housing for airport subcontractor workers, provided that all such housing meets the following conditions:

- Placement of temporary housing facilities must not impede or interfere with aviation operations and safety and care shall be taken to conform to any applicable FAA regulations (as to which no opinion with respect to conformity is herein provided), including lighting and electronic transmissions;

- No clearing or filling of environmentally sensitive lands may occur as a

result of providing the temporary housing;

- All temporary housing facilities temporarily positioned on the property during this emergency situation shall be adequately tied down and proper handling and disposal of sewage and solid waste shall be assured (along with measures taken to avoid negative storm water impacts);

- Temporary emergency housing shall ensure that temporary electrical and sewage lines do not constitute an attractive nuisance to children or homeless persons in the area (i.e., sufficient temporary fencing might be in order – again with minimal environmental impacts);

- Temporary airport construction housing facilities shall remain on the property for a period not exceeding 30 days from the date of completion of the related airport construction work (unless extended by BOCC resolution); and

- All temporary residents of any such facilities must, while occupying the facilities, be gainfully employed on a full time basis in Monroe County completing safety and capacity improvements at a Monroe County airport and are required to timely evacuate in accordance with local evacuation orders.

Subsection (f) of the proposed ordinance is more general in nature, and is designed to address scenarios where major damage to structures and facilities other than homes occurs. It generally allows placement of RVs, trailers and other temporary dwelling structures for temporary emergency worker housing on public or private property within Monroe County for temporary occupancy by workers occupied in response to cleanup and reconstruction efforts following a natural or manmade disaster subject to the following conditions:

- An Emergency Directive or Resolution of the BOCC is issued authorizing the placement of the temporary recovery or reconstruction housing facilities;

- Placement of temporary recovery or reconstruction housing facilities must not impede or interfere with other emergency and recovery operations or public safety;

- Temporary recovery or reconstruction housing facilities shall be adequately tied down and provide for proper solid waste disposal, and where used to house workers involved in reconstruction activities, shall require a no-fee building permit linked to the required demolition or building permits for the related reconstruction activities. Where the temporary recovery or reconstruction housing facilities are used to house workers involved in reconstruction activities, any required demolition or building permits for the related reconstruction activities must be issued within 90 days from the placement of the temporary recovery or reconstruction housing facilities on an approved site. Prior to the issuance of no-fee building permits for any temporary recovery or reconstruction housing

facilities, the County building official shall approve of the siting of the facilities and the Department of Health shall permit or otherwise authorize the connection of the temporary recovery or reconstruction housing facilities to an on-site wastewater treatment and disposal system or to an existing community wastewater treatment system;

- No clearing or filling of environmentally sensitive lands may occur as a result of providing temporary recovery or reconstruction housing facilities;

- Temporary recovery or reconstruction housing facilities shall ensure that temporary electrical and sewage lines do not constitute an attractive nuisance to children or homeless persons in the area (i.e., sufficient temporary fencing may be required by the building official);

- Temporary recovery or reconstruction housing facilities shall remain in place only for the period expressly set forth in the relevant authorizing emergency directive or board resolution. However, with respect to any particular site, the building official may extend the allowed placement under certain circumstances; and

- The only persons permitted to reside for any period in temporary recovery or reconstruction housing facilities are individuals who while occupying the facilities are actually gainfully employed on a fulltime basis in Monroe County in completing cleanup and reconstruction efforts following a natural or manmade disaster. All residents of temporary recovery or reconstruction housing facilities who were not permanent residents of Monroe County prior to first occupying such housing facilities must be required to evacuate in accordance with local evacuation orders. Residents of any temporary recovery or reconstruction housing facilities who were permanent residents of Monroe County prior to first occupying such housing facilities may not remain in temporary recovery or reconstruction housing facilities during any period when a local evacuation order is in effect.

II. SUMMARY

The ordinance proposes to amend and make permanent Sec. 9.5-227 to:

1. Allow for placement of single recreational vehicles or similar sheltering units for temporary emergency housing on single family lots for occupancy by County residents displaced by disaster damage;

2. Allow for placement of recreational vehicles for temporary emergency housing on non-residential properties in non-residential land use districts and on publicly-owned lands for occupancy by displaced County residents and/or disaster recovery workers;

3. Provide for temporary housing for subcontractor personnel on County airport properties (e.g., FEMA-type or other trailer facilities) during bona fide emergency periods;

4. Allow for placement of RVs, trailers and other temporary dwelling structures for temporary emergency worker housing on public or private property within the County for temporary occupancy by workers occupied in response to cleanup and reconstruction efforts following a disaster; and

5. Provide for specific standards and procedures for approval of RVs, trailers and similar temporary dwelling structures and temporary airport construction housing.

III. FINDINGS OF FACT

1. Staff finds the amendments to be consistent with the goals, objectives and policies of the Monroe County Year 2010 Comprehensive Plan.

2. Particularly, Staff finds the amendments to be consistent with Goal 216 and Goal 501 of the 2010 Comprehensive Plan, as fully set forth in the preamble to the attached ordinance.

3. Staff finds the amendments to be consistent with Policy 501.9.1, as well as Objective 501.9, as fully set forth in the preamble to the attached ordinance.

4. Staff finds the proposed amendments to be consistent with F.S. § 252.311 and § 252.38, as set forth in the preamble to the attached ordinance.

5. Staff finds the amendments to be consistent with F.A.C. Chapters 9J-5, Florida Statutes, Chapter 163, and The Principles for Guiding Development.

IV. PROPOSED TEXT CHANGE

Please see attached ordinance.

V. RECOMMENDED ACTION

Based on the Findings of Fact and the recommendations of Workforce Housing Task Force and its counsel's recommendations and BOCC request, Staff and the Development Review Committee, the Planning Commission recommends that the BOCC recommend **APPROVAL** of the proposed text changes to Section 9.5-227 of the Monroe County Land Development Regulations.