AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF COLLIER COUNTY, FLORIDA, AMENDING ORDINANCE NUMBER 2019-01, AS AMENDED, THE STATE OF FLORIDA MODEL FLOODPLAIN MANAGEMENT ORDINANCE AND, SPECIFICALLY SECTION ELEVEN (11-B); "TEMPORARY EMERGENCY HOUSING", AND AMENDING ORDINANCE 2006-35, AS AMENDED, THE POST-DISASTER RECOVERY ORDINANCE, SPECIFICALLY SECTION SEVEN (7-3.A); “DETERMINATION OF DAMAGE, BUILDBACK POLICY, MORATORIA, EMERGENCY REPAIRS, AND EMERGENCY PERMITTING SYSTEM” IN ORDER TO ALLOW ADDITIONAL TIME EXTENSIONS FOR THE PLACEMENT OF TEMPORARY EMERGENCY HOUSING; PROVIDING FOR CONFLICT AND SEVERABILITY, PROVIDING FOR INCLUSION INTO THE CODE OF LAWS AND ORDINANCES, AND PROVIDING FOR AN EFFECTIVE DATE. [PL20190001899]

WHEREAS, on July 25, 2006, the Board of County Commissioners (Board) adopted Ordinance No. 2016-35, the Post-Disaster Recovery Ordinance, which provides for the expediting of post-disaster recovery and rebuilding, including among other things the temporary use of recreational vehicles for living purposes on property where a disaster has rendered the residence uninhabitable; and

WHEREAS, on January 8, 2019, the Board adopted Ordinance No. 2019-01, the State of Florida Model Floodplain Management Ordinance, which adopted to the extent possible the State of Florida Model Floodplain Management Ordinance, and among other things allows for the provision, by federal, state, or local agencies, of temporary housing on property where a disaster has rendered the residence uninhabitable; and

WHEREAS, the Board wishes to amend these ordinances to allow additional time extensions for the placement of temporary emergency housing after a disaster event.

NOW, THEREFORE, BE IT ORDAINED by the Board of County Commissioners of Collier County, Florida, that:

[19-LDS-00078/1514337/1]23 rev. 12/19/19
PL20190001899

Words underlined are added; Words struck-through are deleted.
SECTION ONE: AMENDMENT TO SECTION ELEVEN OF ORDINANCE NO. 2019-01.

Section Eleven, Temporary Emergency Housing, of Ordinance No. 2019-01, is hereby amended as follows:

Section 11: TEMPORARY EMERGENCY HOUSING.

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

SECTION TWO: AMENDMENT TO SECTION SEVEN OF ORDINANCE NO. 2006-35.

Section Seven, Determination of damage, buildback policy, moratoria, emergency repairs, and emergency permitting system, of Ordinance No. 2006-35, is hereby amended as follows:

SECTION SEVEN: DETERMINATION OF DAMAGE, BUILDBACK POLICY, MORATORIA, EMERGENCY REPAIRS, AND EMERGENCY PERMITTING SYSTEM.
3. To expedite recovery efforts and repair to damaged structures, the Emergency Review Board is further authorized to:

   a. 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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SECTION THREE: CONFLICT AND SEVERABILITY.

In the event this Ordinance conflicts with any other Ordinance of Collier County or other applicable law, the more restrictive shall apply. If any court of competent jurisdiction holds any phrase or portion of this Ordinance invalid or unconstitutional, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portion.

SECTION FOUR: INCLUSION IN THE CODE OF LAWS AND ORDINANCES.

The provisions of this Ordinance shall become and be made a part of the Code of Laws and Ordinances of Collier County, Florida. The sections of the Ordinance may be renumbered or re-lettered to accomplish such, and the word “ordinance” may be changed to “section,” “article,” or any other appropriate word.
SECTION FIVE: EFFECTIVE DATE.

This Ordinance shall be effective upon filing with the Department of State.

PASSED AND DULY ADOPTED by the Board of County Commissioners of Collier County, Florida, this 14th day of January 2020.

ATTEST:
CRYSTAL K. KINZEL, Clerk

By: Deputy Clerk

BOARD OF COUNTY COMMISSIONERS
COLLIER COUNTY, FLORIDA

By: William L. McDaniel, Jr., Chairman

Approved as to form and legality:

Sally A. Ashkar, Assistant County Attorney

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