

Ordinance 1035 - RA-23002, Temporary Work Force Housing Pilot Program

Temporary Work Force Housing Pilot Program Proposed Amendment to the Zoning Ordinance

Version 4 as Revised by the
Planning Commission on May 11, 2023

Presented to the City Council on June 20, 2023

Article 9, Special Provisions

Section 9.8.3 Temporary Work Force Housing Pilot Program

9.8.3.1 Purpose and Applicability. The purpose of this pilot program is to provide for the issuance of Temporary Use Permits (TUPs) and establish standards and procedures related to the placement, operation, and duration of Temporary Work Force Housing Facilities to promote safe, healthy, and sanitary living conditions for temporary workers while ensuring that Temporary Work Force Housing Facilities do not negatively impact surrounding land uses. This section is intended to provide flexibility in land use regulation in order to address a critical need while ensuring that the temporary uses and activities do not negatively impact surrounding property or create public health and safety hazards. As a pilot program, Section 9.8.3 has an automatic sunset and shall only be effective for 48 months from the date of adoption by the City Council. Section 9.8.3 shall cease to exist if no further action is taken by the City Council to extend the effective date beyond the 48-month time frame.

9.8.3.2 Definitions.

Operator. The person, firm, corporation, or other entity responsible for the management and operation of the Temporary Work Force Housing Facility.

Recreational Vehicle. A self-contained vehicle used for temporary living quarters for recreational, camping, travel, or seasonal use. For the purposes of this chapter, this category also includes travel trailers, campers, motor homes, and camping trailers capable of being towed by a passenger motor vehicle and motor homes. For this chapter, this category does not include tents, vehicles with camper shells, vehicles retro-fitted for occupancy or other similar quarters that are not self-contained.

Recreational Vehicle Park. A development for the accommodation of tourists or vacationers on a short-term basis as temporary living quarters for recreation or vacation purposes, providing rental spaces for each individual recreational vehicle, travel trailer, camper, motor home, etc., and service facilities for the use of the tenants, whether publicly or privately owned and whether operated for or without compensation. Said development shall be located, established and maintained for the short-term occupancy of tourists or vacationers in accordance with city regulations, ordinances and adopted plans. For the purposes of this chapter, this category also includes camps and campgrounds, but this category does not qualify for use as a Temporary Work Force Housing Development.

Temporary Use Permit (TUP). A permit issued by the City Council that authorizes a temporary use or activity for a specified period of time.

Temporary Work Force Housing Facility. A group dwelling facility located in one or more buildings that are occupied on a temporary basis by workers that are not from the immediate area but are employed in the area for large-scale construction projects and for a defined period of time. The Facilities are intended to accommodate temporary housing and living quarters for construction-related workers, and can include the occupancy of recreational vehicles, but does not include Recreational Vehicle Parks, a mobile home, a mobile home park, a manufactured home, a manufactured home park, a tourist camp, a tourist campground, a tourist home, a trailer or a trailer camp as defined and regulated herein.

Temporary Work Force Housing Unit. A temporary dwelling unit located within a Temporary Work Force Housing Facility that is intended for the temporary occupancy and use as the living quarters for individual workers.

9.8.3.3 Temporary Use Permit Required. The use of Temporary Work Force Housing Facilities, as set forth below, requires approval of Temporary Use Permit. The Planning Commission shall review and make a recommendation to the City Council for the issuance of a Temporary Use Permit. A permit may be approved or denied based on the criteria herein, including the compatibility with surrounding land uses and compliance with the Zoning Ordinance.

9.8.3.4 Standards for Temporary Work Force Housing Facilities.

- a.) Temporary Work Force Housing Facilities shall only be permitted in areas designated in the RA, B-1, B-2, M-1 or M-2 zoning districts with an approved Temporary Use Permit, provided:
- b.) The parcel on which the Temporary Housing Facility is located meets the lot area and width requirements for the district in which it is located.
- c.) Placement of Temporary Work Force Housing Units and related facilities shall comply with all setback, buffer, and other zoning requirements applicable to the zoning district in which it is located.
- d.) Temporary Work Force Housing Facilities shall not be located within 500 feet of any residential zoning district or residential use.
- e.) The Temporary Housing Facility is located along, or with direct access to a paved roadway. If the roadway is not improved, the Developer/Operator would be responsible for construction and paving of said roadway to City, County or State standards, if required based on site location, prior to operation of the Temporary Housing Facility.
- f.) No primary entrances or exits shall direct traffic into adjacent residential districts.
- g.) The Temporary Housing Facility provides accommodations for at least twenty (20) workers and no more than eight hundred (800) workers.
- h.) The density of the Temporary Housing Facility does not exceed 20 units per acre.
- i.) Adequate waste disposal facilities shall be provided.
- j.) The Temporary Housing Facility must be fenced and access limited.
- k.) The Temporary Housing Facility shall be constructed to minimize erosion, alteration of natural features and removal of vegetation to the greatest extent possible.
- l.) The Temporary Housing Facility must comply with all applicable State and Federal requirements, including the requirements of the Department of Health and/or the Alabama Department of Environmental Management.
- m.) The Temporary Housing Facility shall be provided with adequate parking for residents based on design capacity, to accommodate personal vehicles, work vehicles, and other vehicles and equipment parked on the site. Off-street loading and unloading space for service and supply vehicles shall also be provided with satisfactory ingress and egress for trucks.
- n.) The Temporary Housing Facility shall provide for adequate access for emergency vehicles, and adequate security for the facility.
- o.) The Operator of the Temporary Housing Facility is responsible for establishing and enforcing any house rules or regulations for residents.

9.8.3.5 Standards for Temporary Work Force Housing Units. Temporary Work Force Housing Units shall comply with the following standards:

- a.) All Temporary Work Force Housing units shall be designed, sited, constructed, and maintained in accordance with applicable state and local building codes, health codes, and fire codes. It is the responsibility of the Operator and occupants to ensure that all applicable health and safety requirements are met.

- b.) The Temporary Housing Units or spaces must be numbered in a logical fashion in order to facilitate emergency response and subject to the review of Baldwin County E-911.
- c.) All Temporary Work Force Housing Units provided by the Operator shall be equipped with smoke detectors and carbon monoxide detectors.
- d.) All Temporary Work Force Housing Units provided by the Operator shall have adequate heating, ventilation, and air conditioning systems to maintain safe and healthy living conditions.

9.8.3.6 Application. The Temporary Use Permit application shall be submitted as a Site Plan Approval request on the applicable form, in accordance with the meeting and fee schedule as established. In addition to the Site Plan required submittals, the application shall be accompanied by the following information:

- a.) A written narrative that includes a general description of the operation, including a good faith estimate of the duration of use; a description of the Temporary Housing Units to be used and how the Housing Units are to be set and/or anchored to the ground; a description of how the Units are to be numbered; and a description of the source of potable water supply, method of sewage disposal, method of waste disposal, method of dust control and proposed maintenance of the site.
- b.) A scaled site plan showing the overall dimensions of the site; required setbacks; the location of Housing Units, other structures, parking areas, fences, and landscaping; the location of existing and proposed roads and access ways within and adjacent to the site; and the location of wells, sewage treatment system(s), and waste management areas.
- c.) Plans for essential services, including emergency medical and fire facilities and security services.
- d.) Service Availability Letters for utilities
- e.) A storm water management plan
- f.) A traffic impact analysis, if required by the City's Engineer, to determine if any improvement to City, County or State roadways, including the paving of roadways or the installation of turning lanes, is warranted. If warranted, roadway improvements will need to be installed at the Operator's expense prior to operation of the Facility.
- g.) Copies of the Facility's proposed house rules and regulations, onsite security plan, and on-site emergency management plan (including contingencies for fire, tornado, hurricane and other natural disasters).
- h.) Consent of Landowner. Prior to the approval of any proposed temporary residence under this section, the applicant must demonstrate proof of the consent and approval of the property owner if the property is not owned by the proposed Operator. An Agent Authorization form or lease will suffice.
- i.) Submittals shall include any other information required to meet the minimum standards noted in Sections 9.8.3.4, 9.8.3.5 and 9.8.3.7 as needed by the Planning Commission or City Planner to make an informed decision on the request.

9.8.3.7 Review Criteria. The Planning Commission shall review the request at a regularly scheduled meeting and make a recommendation to the City Council for final determination. The Planning Commission and City Council may attach any conditions or reporting requirements to the Temporary Use Permit that it deems necessary and prudent. A TUP may be issued by the City Council for a temporary use or activity that meets the following criteria:

- a.) The proposed use or activity will be of a temporary nature and will not create a permanent change to the site or surrounding area.
- b.) The proposed use or activity will not create a significant impact on surrounding land uses or the environment.
- c.) The proposed use or activity will comply with all applicable health, safety, and building codes.
- d.) The proposed use or activity will not create a public nuisance or hazard.
- e.) The zoning authority may impose conditions on the issuance of a TUP in order to ensure compliance with the above criteria.

9.8.3.8 Approval. If the TUP is approved, all required City, County and State permits shall be obtained prior to construction/installation of the temporary housing facilities, including, but not limited to, building permits, electrical permits, plumbing permits and mechanical permits. After a TUP is granted, the following shall be provided to the City in conjunction with construction and prior to operation of the Temporary Housing Facility:

- a.) The name and address of the onsite manager and contact information.

- b.) Copies of required permits or approvals from the Department of Health and/or the Alabama Department of Environmental Management, Baldwin County Commission, Alabama Department of Transportation, and US Army Corps of Engineers.
- c.) A plan for the closing of the facility and reclamation of the site, including how structures and equipment will be removed; how trash and construction debris will be removed; how concrete footings and foundations will be removed or buried; how the sewage disposal system will be removed and disposed of; how the site will be graded and re-contoured to blend into the surrounding topography; how topsoil will be replaced and the site seeded with an appropriate seed mix to establish sufficient cover to stabilize the site and prevent erosion, and how unneeded access roads will be re-graded and re-vegetated.
- d.) An irrevocable surety bond shall be submitted to the City Administrator in an amount equal to an engineer's estimate of the cost of removing, demolishing and disposing of such Facilities following termination of the use in accordance with the approved plan and shall be held for the duration of the Temporary Work Force Housing Facility operation. The amount of the bond may be reviewed by the City Council on an annual basis and adjusted if needed.

9.8.3.9 Term. A Temporary Use Permit for a Temporary Housing Facility approved in accordance with this Article shall be valid for a period of one (1) year, and is renewable in one (1) year increments upon submittal of a request for an extension and approval in accordance with the provisions of this Article. The request for an extension must also include a written narrative describing the Facility, its compliance with the requirements contained herein and any conditions placed upon it and demonstrate the continued need for the Facility. In no case shall a Temporary Use Permit or Renewal extend beyond the sunset provisions of Section 9.8.3.

9.8.3.10 Revocation and Modification. TUPs may be revoked or modified by the zoning authority if the temporary use or activity fails to comply with the criteria for issuance or any conditions imposed by the City Council.

9.8.3.11 Operation and Maintenance. The Operator of Temporary Work Force Housing shall comply with the following requirements:

- a.) The Operator shall obtain all necessary permits and licenses required by the zoning, permitting and access authority jurisdiction, including a permit for Temporary Work Force Housing.
- b.) The Operator shall maintain accurate records of all occupants of the Temporary Work Force Housing, including their names, addresses, and employment information.
- c.) The Operator shall maintain the Temporary Work Force Housing Units in a clean and sanitary condition, and shall provide regular cleaning and trash removal services.
- d.) The Operator shall provide adequate security measures to ensure the safety and well-being of occupants.
- e.) The Operator shall ensure that all occupants of the Temporary Work Force Housing Facility comply with all applicable rules and regulations.
- f.) The Operator of a Temporary Worker Housing Facility permitted by the Planning Commission shall notify the City Planner of the sale of the Facility or the transfer of ownership of the property.
- g.) The Operator shall provide the following to the City on an ongoing basis for the duration of operations:
 - 1.) The name and address of the onsite manager and contact information.
 - 2.) A current occupancy list to be maintained and provided to the City on a quarterly basis.
 - 3.) Any changes to the Facility's house rules and regulations, on-site security plan, and on-site emergency management plan.

9.8.3.12 Restoration of Site. The applicant shall provide a written plan and agreement setting forth how the Facility will be dismantled, and the area restored to an unoccupied condition. The Temporary Housing Facility and any associated structures, Housing Units and infrastructure must be removed from the site within ninety (90) days of closure. Within ninety (90) days after the removal of the Facility is complete, a reclamation report shall be submitted to the City Planner indicating that the site was reclaimed as set forth in the approved reclamation plan. In the event that the site is not restored in accordance with the approved plan, the City Council may call on the surety bond to complete the restoration in a satisfactory manner.

9.8.3.13 Enforcement and Penalties. Violation of any provision of this ordinance shall be a violation of the Zoning Ordinance and shall be subject to the penalties provided therein. In addition, the zoning authority may revoke the permit for the Temporary Work Force Housing if the Operator fails to comply with any provision of this ordinance.

9.8.3.14 Compliance. The City Council, at its discretion, may require a bond or other financial guarantee to ensure that all essential facilities and services are provided. In the event the Developer or Operator fails to provide the essential services and facilities required, the Temporary Use Permit shall be revoked and the Facility ordered to vacate. These remedies are in addition to the remedies provided in this ordinance for failure to comply with the zoning requirements.

9.8.3.15 Consistency. To the extent that language in Section 9.8.3 is inconsistent with other City ordinances, the provisions of Section 9.8.3 shall control.