



## MEMORANDUM

### MONROE COUNTY PLANNING & ENVIRONMENTAL RESOURCES DEPARTMENT

*We strive to be caring, professional and fair*

**To:** Monroe County Development Review Committee and  
Emily Schemper, AICP, Senior Director of Planning & Environmental Resources

**From:** Mayté Santamaria, Senior Planning Policy Advisor  
Lori Lehr, CFM, Floodplain Program  
Karl Bursa, AICP, CFM, Chief of Floodplain Regulatory Operations

**Date:** February 19, 2020

**Subject:** An ordinance by Monroe County Board of County Commissioners (BOCC) adopting amendments to the Monroe County Land Development Code to amend Section 122-4(b)(4) to eliminate the ability for a manufactured/mobile home to be placed at an elevation below base flood elevation and Section 130-53 to amend the purpose of the Urban Residential Mobile Home—Limited District (URM-L) to eliminate provision that provides for a manufactured/mobile home to be placed at an elevation below base flood elevation and Section 130-100 to add detached dwellings as an as-of-right use within the Urban Residential Mobile Home—Limited District (URM-L) (File 2020-017).

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**Meeting:** February 25, 2020

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#### I. REQUEST

The Monroe County Planning & Environmental Resources is proposing text amendments to Section 122-4(b)(4) to eliminate the ability for a manufactured/mobile home to be placed at an elevation below base flood elevation (36 inch elevation exception) and Section 130-53 to amend the purpose of the URM-L district to eliminate provision that provides for a manufactured/mobile home to be placed at an elevation below base flood elevation and Section 130-100 to add detached dwellings as an as-of-right use (permitted through a building permit) within the Urban Residential Mobile Home—Limited District (URM-L).

On February 19, 2020, at a regular meeting, the BOCC held a discussion to determine if staff should initiate land development code amendments to eliminate the ability for a manufactured/mobile home to be placed at an elevation below base flood elevation (BFE), on 36' piers, within the Urban Residential Mobile Home—Limited District (URM-L) to meet CRS Class 4 criteria. The BOCC directed staff to initiate the amendment to eliminate the elevation exception.

## II. BACKGROUND INFORMATION

On September 10, 2017, Hurricane Irma made landfall near Cudjoe Key as a Category 4 Hurricane with maximum sustained winds of 130 mph. Hurricane Irma caused significant damage throughout the Florida Keys, particularly to structures built prior to the upgraded Florida Building Code adopted after Hurricane Andrew, to non-elevated structures and to mobile homes.

PRELIMINARY DAMAGE ASSESSMENT (SUMMARY W PARK INFO) - THRU 11/26/17					
KEY NAME	UNAFFECTED	AFFECTED	MINOR	MAJOR	DESTROYED
KEY LARGO	2581	3992	326	75	46
VILLAGE OF ISLAMORADA	0	468	427	47	34
FIESTA KEY	0	0	0	257	0
CRAIG KEY	0	1	0	0	0
CITY OF LAYTON	4	0	160	15	0
LONG KEY	304	86	14	0	1
CONCH KEY	0	78	13	4	10
DUCK KEY	292	361	83	7	0
CITY OF KEY COLONY BEACH	0	462	888	206	1
CITY OF MARATHON	0	4018	829	1402	394
OHIO KEY	0	0	0	397	0
BAHIA HONDA KEY	6	9	6	0	0
BIG PINE KEY	264	1538	663	299	473
LITTLE TORCH KEY	389	300	80	25	37
MIDDLE TORCH KEY	3	0	12	0	0
BIG TORCH KEY	11	4	37	1	0
RAMROD KEY	31	20	493	12	19
SUMMERLAND KEY	1	706	20	10	1
CUDJOE KEY	134	914	624	52	81
SUGARLOAF KEY	125	995	207	103	19
UPPER SUGARLOAF KEY	175	0	0	0	0
LOWER SUGARLOAF KEY	6	161	110	0	0
SADDLEBUNCH KEYS	82	0	0	0	0
SHARK KEY	0	39	0	0	0
BIG COPPITT KEY	122	538	63	4	6
GEIGER KEY	41	252	0	7	12
ROCKLAND KEY	1	60	31	0	5
KEY HAVEN	0	457	1	0	0
STOCK ISLAND	895	565	22	15	17
CITY OF KEY WEST	0	11625	282	39	23
<b>Grand Total</b>	<b>5467</b>	<b>27649</b>	<b>5391</b>	<b>2977</b>	<b>1179</b>

Currently, the Monroe County Floodplain regulations allow for the substantial improvement and replacement of manufactured/mobile homes in URM-L zoned manufactured/mobile home parks to be placed at 36 inches above grade, if the unit meets the criteria of Section 122-4(b)(4), regardless of flood risk, including FEMA Special Flood Hazard Areas (SFHA) flood zones or Base Flood Elevations (BFE), *unless* the manufactured/mobile homes are substantially damaged by flooding.

### **Sec. 122-4(b)(4)**

#### **(4) Manufactured homes.**

- a. *Effective June 1, 1977, no manufactured home not already in place shall be placed within areas of special flood hazard except in an existing manufactured home park or subdivision, as hereafter defined. In the event that the Federal Emergency Management Agency eliminates the existing manufactured home park or subdivision requirement of 44 CFR 60.3(c)(12), then no manufactured home may be placed below the base flood elevation.*
- b. *A manufactured home that is to be placed on a qualified lot **may be placed at an elevation below base flood elevation** provided that:*

1. *The lot which the manufactured home is to be placed is located in an existing manufactured home park or subdivision and is contiguous to and surrounded by manufactured homes not at base flood elevation.*
2. *The manufactured homes that are placed or substantially improved (for other than substantial damage due to a flood) on sites in existing manufactured home parks or subdivisions in flood hazard areas shall be elevated so that the manufactured home chassis is supported by reinforced piers or other foundation elements that are no less than 36 inches in height above the grade at the site. A lower foundation system could be used if the top of the finished floor of the manufactured home or the bottom of the beam (for V zones) would be at or above the base flood elevation using such foundation.*
3. *All other foundations requiring elevation of the structure in order to meet the floodplain standards must comply with Section 122-3(c), the provisions of subsection (b)(5) of this section or chapter 18 of the Florida Building Code whichever is applicable.*

This regulation should be reviewed in light of the impacts of Hurricane Irma and the County's better understanding of the flood risks associated with structures below BFE and the County's ongoing resiliency efforts. Manufactured/mobile homes should be required to meet Florida Building Code elevation requirements, specifically to be installed above the BFE in order to resist collapse, flotation or any lateral movement that might occur during flooding. When placing manufactured/mobile homes at 36 inches, the manufactured/mobile home may not be protected to the level of the BFE, which can make the unit susceptible to being inundated by floodwaters and damaged by floating debris. Removing the elevation exception within Section 122-4(b)(4), of the Monroe County Floodplain Regulations will protect residents that reside in manufactured/mobile homes in flood hazard areas, reduce the repeated impacts by flooding, and enhance public health, safety and welfare.

There are approximately 20,200 total structures in the SFHA flood zone. Of these structures, there are **approximately 775 manufactured/mobile homes** in eight (8) existing manufactured/mobile home parks within the URM-L designation in the unincorporated County. All of these manufactured/mobile homes (100%) are within the SFHA flood zone (see attachments). Staff has reviewed the eight URM-L designated manufactured/ mobile home parks and provided the following summary based on an analysis of best available data:

	URM-L existing manufactured/ mobile home parks	Property address	Manufactured/ mobile home (MH) count* based on June field visits, aerial imagery & department data (does not include other structure types)	SFHA	# currently elevated below BFE	# currently elevated at or above BFE	# of MHs that must elevate to BFE +1ft under current code**	# of additional affected MHs with proposed policy change to remove 36” exception*
1	Stock Island 00126550-000000	5031 5th Ave	77***	AE 8	2	75	2	0
2	Stock Island 00126090-000000	6500 Maloney Ave	93***	AE 9	93	0	45	48
3	Stock Island 00125740-000000	6531 Maloney Ave	12***	AE 9 AE 10	9	3	4	5
4	Stock Island 00125750-000000	6529 Maloney Ave	4***	AE 9 AE 10	3	1	3	0
5	Stock Island 00132350-000000	6511 Maloney Ave	10***	AE 9 AE 10	10	0	0	10
6	Stock Island 00125770-000000	6621 Maloney Ave	24***	AE 9 AE 10	24	0	14	10
7	Big Coppitt 00121761- 000000+ 00121762- 000100+	55 Boca Chica Rd	131***	AE 10 VE 10	126	5	88	38
8	Cudjoe 00188681- 000000+	701 Spanish Main Dr	424***	AE 9 AE 11 VE 12 VE13 VE 15	289	135	248	41
<b>Total</b>			<b>775</b>		<b>556</b>	<b>219</b>	<b>404</b>	<b>152</b>

\*This does not include vacant spaces/parcels.

\*\*This estimate could increase, if during permitting a property is determined to have been substantially damage by flood.

\*\*\* This analysis is not intended for the recognition of development rights or to identify permitted or unpermitted work, and should not be used nor relied upon for these items.

Staff estimates of the approximately 775 manufactured/mobile homes, that approximately **219 (28%)** are currently elevated *at or above* BFE and **556 (72%)** are currently elevated *below* BFE. Of approximately 775 manufactured/mobile homes, it is estimated that **404 (52%)** would be required to elevate based on the current adopted regulations because the home is *not contiguous to and surrounded by* manufactured homes not at BFE (see attachments - based on best available data and the analysis of the manufactured/mobile homes which do not meet the criteria of LDC Section 122-4(b)(4)b). Note, this estimate could increase, if during permitting a property is determined to have been substantially damage by flood.

It is also important to note that as these manufactured/mobile homes are replaced and elevated to BFE under the current provisions of the Floodplain Regulations, the manufactured/mobile homes units contiguous to these replaced units will then be subject to elevating to BFE (i.e. a continual domino effect). Gradually, more manufactured/mobile homes units will be required to elevate to BFE, even with the current elevation exception.

If the provisions with the elevation exception were removed from the Land Development Code, then the manufactured/ mobile homes within the eight (8) existing URM-L designated manufactured/ mobile home parks would be required to elevate above current requirements upon replacement. This would be a gradual process, as the units would not need to be elevated until they are replaced or substantially damaged or substantially improved (the proposed change would apply at the time of replacement). Staff estimates of the 775 manufactured/mobile homes, that approximately **152 (20%)** would be the number of additionally affected manufactured/mobile homes [i.e. if elevation exception was removed, these units would be required to elevate above the currently required 36 inches, even if the units were contiguous to and surrounded by manufactured homes also not at BFE]. Overall, the rate of replacement in these URM-L parks is slow, so it would take multiple years before all the manufactured/mobile homes would be elevated.

The proposed amendment to allow *detached dwellings* within the URM-L district will provide property owners with another housing option with greater resilience and wind-load provisions. Note, as proposed a *detached dwelling* would be permitted as of right through the approval of a building permit. While approved via a building permit, the request for a *detached dwelling* is subject to the requirements of the comprehensive plan and the other provisions of the land development code, such as development standards, bulk regulations, rate of growth ordinances, etc.

As a whole, the proposed elevation change will result in the same level of flood protection and resiliency as other homes (i.e. non-manufactured) within the County. While it is recognized that there are financial impacts in elevating manufactured/mobile homes higher than what is currently required, the benefits (not being damaged by flooding) of elevating to the BFE + 1ft when the home is replaced generally outweighs the elevation costs in the long term.

Since the impacts of Hurricane Irma, the County has been working on numerous recovery, post disaster and resiliency proposals/programs and there are several potential funding opportunities for the owners of these manufactured/mobile homes to participate in rebuilding and elevating their homes. Note, if owners of these manufactured/mobile homes participate in rebuilding and elevating their homes with federal funds, the manufactured/mobile homes would need to be elevated at least 2 feet above BFE due to requirements within the Code of Federal Regulations.

The following programs are potentially available to assist in replacing, elevating and reducing the risk of flooding:

- FEMA Hazard Mitigation Grant Program (HMGP) for mitigation measures
- Flood Mitigation Assistance (FMA) Grant Program to reduce or eliminate the long-term risk of flood damage to buildings, manufactured homes and other structures insured under the NFIP
- Pre-Disaster Mitigation (PDM) funds for hazard mitigation planning and implementation of mitigation projects

- Rebuild Florida Program to demo, repair, reconstruct and elevate primary homes
- Voluntary Home Buyout Program utilizing Community Development Block Grant-Disaster Recovery funding

Further, on January 21, 2020, the County was informed to qualify for a CRS Class 4 rating, the County must meet a set point criteria in the CRS program and meet certain prerequisite standards, *including an effective regulatory program to prevent a recurrence of flooding*. Communication with ISO Program Coordination/CRS Specialists included that a modification to current floodplain regulation provisions for elevating manufactured/mobile homes is necessary to meet the class 4 prerequisite. Allowing mobile homes to build back on 36' piers, below the minimum flood elevation does not meet the Class 4 prerequisites. Note, ISO/CRS Specialists are responsible for reviewing community requests for Community Rating System classification and verifying implementation of activities credited by the CRS prior to FEMA granting the CRS class.

Excerpt from the CRS Coordinator's Manual:

**211.c. Class 4 Prerequisites**

A Class 4 or better community must demonstrate that it has programs that minimize flood losses, minimize increases in future flooding, protect natural floodplain functions, and protect people from the dangers of flooding. Even though it may have enough points, a community that cleared most of the buildings from its floodplain with disaster assistance funds after a flood cannot be a Class 4 or better if it does not have an effective regulatory program to prevent a recurrence of the problem.

The community must demonstrate that it has taken appropriate steps to eliminate or minimize future flood losses. To do this, a Class 4 or better community must receive credit for the following CRS activities.

- (a) Activity 430 (Higher Regulatory Standards)—The community must show that it enforces higher regulatory standards to manage new development in the floodplain.
  - (i) The community must adopt and enforce at least a 1-foot freeboard requirement (including equipment or mechanical items) for all buildings constructed, substantially improved and/or reconstructed due to substantial damage, and buildings allowed to be floodproofed, throughout its SFHA, except those areas that receive OSP credit under Activity 420 (Open Space Preservation). In unnumbered A, AO, and V Zones, the community must first determine a base flood elevation consistent with the techniques credited under Activity 410 (Flood Hazard Mapping).

If the provision with the elevation exception was removed from the Land Development Code, the County may qualify for a Community Rating System (CRS) Class 4 rating. This would increase premium discounts for structures in the unincorporated SFHA from 25% to 30%, which would equate to a savings of approximately \$6,376,373 per year, from the current discount of approximately \$5,317,202.

## History of CRS Participation and Discount

Year	CRS Class/%Discount	Avg Savings per NFIP Policy	Total Savings	Cumulative Savings
10/1/2016 - 9/30/2017	Class 6/20%	\$233	\$3,629,670	\$3,629,670
10/1/2017- 9/30/2018	Class 5/25%	\$350	\$5,135,345	\$8,765,015
10/1/2018-9/30/2019	Class 5/25%	\$350	\$5,135,345	\$13,900,360
*10/1/2019-9/30/2020	Class 5/25%	\$373	\$5,317,202	\$19,217,562
<b>Grand Total</b>				\$19,217,562
<b>Goal</b>				
CRS Class 4 Effective Date 10/2/2020- 10/1/2021		\$448	\$6,376,373	\$25,593,935

### **BOCC direction**

On February 19, 2020, at a regular meeting, the BOCC directed staff to initiate the amendment to eliminate the elevation exception.

### **Community Meeting and Public Participation**

In accordance with LDC Section 102-159(b)(3), a Community Meeting was not required because the amendment does not have a county-wide impact.

### **Development Review Committee and Public Input**

The Development Review Committee considered the proposed amendment at a regular meeting on \_\_\_\_\_ and received public input.

### **Planning Commission and Public Input**

The Planning Commission considered the proposed amendment at a regular meeting on \_\_\_\_\_, provided for public input and recommended \_\_\_\_\_.

## **III. PROPOSED LAND DEVELOPMENT CODE TEXT AMENDMENTS**

The proposed text is shown as follows: additions are in underlined, deletions are ~~stricken through~~.

### **Sec. 122-4. - Standards for Issuance of Building Permits in Areas of Special Flood Hazard.**

(a) **Generally.** No building permit for proposed construction or development activity within an area of special flood hazard shall be granted, by the Building Official or the floodplain administrator, unless the proposed new construction is in compliance with the standards set forth in this chapter. In all areas of special flood hazard, the following standards apply:

\* \* \* \* \*

(b) **Additional standards.** In all areas of special flood hazard where base flood elevation data has been provided the following provisions are required:

(4) ***Manufactured homes.***

- a. Effective June 1, 1977, no manufactured home not already in place shall be placed within areas of special flood hazard except in an existing manufactured home park or subdivision, as hereafter defined. Require that manufactured homes to be placed or substantially improved on sites in an existing manufactured home park or subdivision within Zones A-1-30, AH, and AE on the community's FIRM shall be elevated such that the lowest floor and mechanical equipment is at or above the elevation required, as applicable to the flood hazard area, in the Florida Building Code, Residential Section R322.2 (Zone A) or Section R322.3 (Zone V). In the event that the Federal Emergency Management Agency eliminates the existing manufactured home park or subdivision requirement of 44 CFR 60.3(c)(12), then no manufactured home may be placed below the base flood elevation.
- b. A manufactured home that is to be placed on a qualified lot may be placed at an elevation below base flood elevation provided that:
  - 1. ~~The lot which the manufactured home is to be placed is located in an existing manufactured home park or subdivision and is contiguous to and surrounded by manufactured homes not at base flood elevation.~~
  - 2. ~~The manufactured homes that are placed or substantially improved (for other than substantial damage due to a flood) on sites in existing manufactured home parks or subdivisions in flood hazard areas shall be elevated so that the manufactured home chassis is supported by reinforced piers or other foundation elements that are no less than 36 inches in height above the grade at the site. A lower foundation system could be used if the top of the finished floor of the manufactured home or the bottom of the beam (for V zones) would be at or above the base flood elevation using such foundation.~~
  - 3. ~~All other foundations requiring elevation of the structure in order to meet the floodplain standards must comply with Section 122-3(c), the provisions of subsection (b)(5) of this section or chapter 18 of the Florida Building Code whichever is applicable.~~

\* \* \* \* \*

**Sec. 130-53. - Purpose of the Urban Residential Mobile Home—Limited District (URM-L).**

The purpose of the URM-L district is to recognize the existence of parks and subdivisions which consist exclusively, or almost exclusively, of mobile homes, but not to create new such areas, ~~in order to permit property owners in such areas to replace or establish mobile homes below base flood elevation as authorized by certified federal regulations.~~

\* \* \* \* \*

**Sec. 130-100. - Urban Residential Mobile Home—Limited District (URM-L).**

- (a) The following uses are permitted as of right in the Urban Residential Mobile Home-Limited district:
  - (1) Mobile homes;
  - (2) Recreational vehicles in a registered RV park or park trailers commonly known as 'park models' as defined in F.S. 320.01;
  - (3) Detached dwellings

- (4) Home occupations—Special use permit required;
  - (54) Accessory uses;
  - (65) Tourist housing uses, including vacation rental uses, are prohibited except in gated communities that have:
    - a. Controlled access; and
    - b. A homeowner's or property owner's association that expressly regulates or manages vacation rental uses;
  - (76) Collocations on existing antenna-supporting structures, pursuant to section 146-5(c);
  - (87) Satellite earth stations less than two meters in diameter, as accessory uses, pursuant to section 146-5(f); and
  - (98) Wastewater nutrient reduction cluster systems that serve less than ten residences.
- (b) The following uses are permitted as minor conditional uses in the urban Residential mobile home—limited district, subject to the standards and procedures set forth in chapter 110, article III:
- (1) Replacement of an existing antenna-supporting structure pursuant to section 146-5(b);
  - (2) Stealth wireless communications facilities, as accessory uses, pursuant to section 146-5(e); and
  - (3) Satellite earth stations greater than or equal to two meters in diameter, as accessory uses, pursuant to section 146-5(f).

#### **IV. CONSISTENCY WITH THE MONROE COUNTY LAND DEVELOPMENT CODE**

The proposed amendment is consistent with one or more of the required provisions of LDC Section 102-158(d)(7)(b):

1. Changed projections (e.g., regarding public service needs) from those on which the text or boundary was based;  
N/A
2. Changed assumptions (e.g., regarding demographic trends);  
N/A
3. Data errors, including errors in mapping, vegetative types and natural features described in volume 1 of the plan;  
N/A
4. New issues;  
To qualify for a CRS Class 4 rating, the County must meet a set point criteria in the program and meet the prerequisite standards. Communications with ISO Program Coordination/CRS Specialists, have included that a modification to current floodplain regulation provisions for elevating manufactured/mobile homes is necessary to meet the class 4 prerequisite. If the County receives a CRS Class 4 rating, this would increase premium discounts for structures in the unincorporated SFHA from 25% to 30%, which would equate to a savings of approximately \$6,376,373 per year, from the current discount of approximately \$5,317,202.

5. Recognition of a need for additional detail or comprehensiveness; or  
The current floodplain regulation provisions for elevating manufactured/mobile homes may maintain a portion of the most vulnerable population and building inventory at risk, by allowing the units to remain susceptible to being inundated by floodwaters and damaged by floating debris.

Recognizing the impacts of Hurricane Irma, the County’s better understanding of the flood risks associated with structures below BFE and the County’s ongoing resiliency efforts, amending Sections 122-4, 130-53 and 130-100 to eliminate the ability for a manufactured/mobile home to be placed at an elevation below BFE and to add detached dwellings as an as-of-right use (permitted through a building permit) within the Urban Residential Mobile Home—Limited District (URM-L) will further protect residents that reside in manufactured/mobile homes in flood hazard areas, reduce the repeated impacts by flooding, will provide property owners with another housing option with greater resilience and wind-load provisions and will enhance the overall public health, safety and welfare of Monroe County. The proposed changes will result in a consistent level of flood protection for homes within the County.

6. Data updates;  
N/A

**In no event shall an amendment be approved which will result in an adverse community change to the planning area in which the proposed development is located or to any area in accordance with a Livable CommuniKeys master plan pursuant to findings of the Board of County Commissioners.**

The proposed text amendment is not anticipated to result in an adverse community change.

## **V. CONSISTENCY WITH THE MONROE COUNTY COMPREHENSIVE PLAN, THE PRINCIPLES FOR GUIDING DEVELOPMENT, AND FLORIDA STATUTES.**

- A. The proposed amendment is consistent with the Goals, Objectives and Policies of the Monroe County 2030 Comprehensive Plan. Specifically, it furthers:**

**Goal 101:** Monroe County shall manage future growth to enhance the quality of life, ensure the safety of County residents and visitors, and protect valuable natural resources.

### **Objective 101.3**

Monroe County shall regulate new residential development based upon the finite carrying capacity of the natural and man-made systems and the growth capacity while maintaining a maximum hurricane evacuation clearance time of 24 hours.

### **Policy 101.3.1**

Monroe County shall maintain a Permit Allocation System for new residential development known as the Residential Rate of Growth Ordinance (ROGO) System. The Permit Allocation System shall limit the number of permits issued for new residential dwelling units. The ROGO allocation system shall apply within the unincorporated area of the county, excluding areas within the county mainland and within the Ocean Reef planned development (Future development in the Ocean Reef planned development is based upon the December 2010 Ocean Reef Club Vested Development Rights Letter recognized and issued by

the Department of Community Affairs). New residential dwelling units included in the ROGO allocation system include the following: affordable housing units; market rate dwelling units; *mobile homes*; and institutional residential units (except hospital rooms).

Vessels are expressly excluded from the allocation system, as the vessels do not occupy a distinct location, and therefore cannot be accounted for in the County's hurricane evacuation model. Under no circumstances shall a vessel, including live-aboard vessels, or associated wet slips be transferred upland or converted to a dwelling unit of any other type. Vessels or associated wet slips are not considered ROGO allocation awards, and may not be used as the basis for any type of ROGO exemption or TRE (Transfer of ROGO Exemption).

ROGO Allocations for rooms, hotel or motel; campground spaces; transient residential units; and seasonal residential units are subject to Policy 101.3.5.

**Policy 101.3.5**

Due to the limited number of allocations and the State's requirement that the County maintain a maximum hurricane evacuation clearance time of 24 hours, Monroe County shall prohibit new transient residential allocations for hotel or motel rooms, campground spaces, or spaces for parking a recreational vehicle or travel trailer until May 2022. Lawfully established transient units shall be entitled to one unit for each type of unit in existence before January 4, 1996 for use as a ROGO exemption.

**Policy 101.5.5**

Monroe County shall maintain Land Development Regulations which allow nonconforming nonresidential and transient uses in the RC, RL, RM and RH future land use categories that lawfully existed on such lands on January 4, 1996 to develop, redevelop, reestablish and/or substantially improve provided that the use is limited in density, intensity, floor area, and to the type of use that existed on January 4, 1996.

**Policy 101.9.1**

Substantial improvement is defined as any repair, reconstruction or improvement of a structure, the cost of which equals or exceeds fifty percent of the predestruction market value of the structure. Improvements to historic structures, and improvements to meet health, sanitary or safety code specifications are not considered substantial improvements.

**Policy 101.9.5**

Existing manufactured homes which are damaged or destroyed so as to require substantial improvement shall be required to meet the most recent HUD standards, and the floodplain management standards set forth by FEMA.

**Policy 101.2.4**

In the event of a pending major hurricane (Category 3—5) Monroe County shall implement the following staged/phased evacuation procedures to achieve and maintain an overall 24-hour hurricane evacuation clearance time for the resident population.

1. Approximately 48 hours in advance of tropical storm winds, a mandatory evacuation of non-residents, visitors, recreational vehicles (RVs), travel trailers, live-aboard vessels (transient and non-transient), and military personnel from the Florida Keys shall be initiated. State parks and campgrounds should be closed at this time or sooner and entry into the Florida Keys by non-residents should be strictly limited.
2. Approximately 36 hours in advance of tropical storm winds, a mandatory evacuation of mobile home residents, special needs residents, and hospital and nursing home patients from the Keys shall be initiated.

3. Approximately 30 hours in advance of tropical storm winds, a mandatory phased evacuation of permanent residents by evacuation zone (described below) shall be initiated. Existing evacuation zones are as follows:
  - a) Zone 1 - Key West, Stock Island and Key Haven to Boca Chica Bridge (MM 1-6)
  - b) Zone 2 - Boca Chica Bridge to West end of 7-mile Bridge (MM 6-40)
  - c) Zone 3 - West end of 7-Mile Bridge to West end of Long Key Bridge (MM 40-63)
  - d) Zone 4 - West end of Long Key Bridge to CR 905 and CR 905A intersection (MM 63-106.5 and MM 1-9.5 of CR 905)
  - e) Zone 5 - 905A to, and including Ocean Reef (MM 106.5-126.5)

The actual sequence of the evacuation by zones will vary depending on the individual storm. The concepts embodied in this staged evacuation procedures should be embodied in the appropriate County operational Emergency Management Plans.

The evacuation plan shall be monitored and updated on an annual basis to reflect increases, decreases and or shifts in population; particularly the resident and non-resident populations.

For the purpose of implementing Policy 101.2.4, this Policy shall not increase the number of allocations to more than 197 residential units a year, except for affordable housing. Any increase in the number of allocations shall be for affordable housing.

**Policy 101.14.2**

Monroe County shall prohibit the placement of mobile homes within the CHHA except on an approved lot within an existing mobile home park or URM Subdivision.

**Policy 215.1.4**

In the event of a pending major hurricane (category 3-5) Monroe County shall implement the following staged/phased evacuation procedures to achieve and maintain an overall 24-hour hurricane evacuation clearance time for the resident population.

1. Approximately 48 hours in advance of tropical storm winds, a mandatory evacuation of non-residents, visitors, recreational vehicles (RV's), travel trailers, live-aboards (transient and non-transient), and military personnel from the Keys shall be initiated. State parks and campgrounds should be closed at this time or sooner and entry into the Florida Keys by non-residents should be strictly limited.
2. Approximately 36 hours in advance of tropical storm winds, a mandatory evacuation of mobile home residents, special needs residents, and hospital and nursing home patients from the Keys shall be initiated.
3. Approximately 30 hours in advance of tropical storm winds, a mandatory phased evacuation of permanent residents by evacuation zone (described below) shall be initiated. Existing evacuation zones are as follows:
  - a) Zone 1 – Key West, Stock Island and Key Haven to Boca Chica Bridge (MM 1-6)
  - b) Zone 2 – Boca Chica Bridge to West end of 7-mile Bridge (MM 6-40)
  - c) Zone 3 – West end of 7-Mile Bridge to West end of Long Key Bridge (MM 40-63)
  - d) Zone 4 – West end of Long Key Bridge to CR 905 and CR 905A intersection (MM 63-106.5 and MM 1-9.5 of CR 905)
  - e) Zone 5 – 905A to, and including Ocean Reef (MM 106.5–126.5)

The actual sequence of the evacuation by zones will vary depending on the individual storm. The concepts embodied in this staged evacuation procedures should be embodied in the appropriate County operational Emergency Management Plans.

The evacuation plan shall be monitored and updated on an annual basis to reflect data from actual evacuation events and increases, decreases and or shifts in population; particularly the resident and non-resident populations.

This Policy shall not increase the number of allocations to more than 197 residential units a year, except for affordable housing. Any increase in the number of allocations shall be for affordable housing only.

## **GOAL 216**

Monroe County shall maintain a program of hazard mitigation and post-disaster redevelopment to increase public safety and reduce damages and public expenditures

### **Objective 216.1**

Monroe County shall maintain a program of hazard mitigation in the Coastal High Hazard Area (CHHA) which reduces floodplain alteration and damage or loss due to natural disasters.

#### **Policy 216.1.1**

Monroe County shall define the CHHA as the area below the elevation of the category 1 storm surge line as established by a Sea, Lake, and Overland Surges from Hurricanes (SLOSH) computerized storm surge model. The CHHA shall be shown on the Future Land Use Map.

#### **Policy 216.1.4**

Monroe County shall continue its policy of reviewing the current Building Code and, as appropriate, adopting structural standards and site alteration restrictions that meet or exceed the minimum FEMA requirements. The Building Code shall be reviewed and revised at least every five years. The recommendations of the applicable interagency hazard mitigation report shall be considered in revisions to the Code.

#### **Policy 216.1.5**

Monroe County shall continue to participate in the National Flood Insurance Program (NFIP) Community Rating System (CRS) to the maximum extent possible and shall seek to improve its current CRS Class rating.

**Objective 216.2:** Monroe County shall maintain a Post-Disaster Redevelopment Plan which addresses priorities for immediate recovery and long-term redevelopment including reducing the exposure of human life to natural hazards.

### **Objective 216.3**

Monroe County shall maintain land development regulations which directs future growth away from the Coastal High Hazard Area (CHHA).

#### **Policy 216.3.1**

Monroe County shall prohibit the construction of mobile homes within the CHHA except on an approved lot within an existing mobile home park or subdivision zoned for such use as of the effective date of this plan.

#### Glossary

*Mobile Home* means a structure, transportable in one or more sections, which is 8 body feet or more in width and over 35 feet in length and which is built on an integral chassis and designed to be used as a dwelling when connected to the required utilities. Expandable recreational vehicles, known as "park models," designed and built as permanent residences, are considered mobile homes as well.

**B. The amendment is consistent with the Principles for Guiding Development for the Florida Keys Area, Section 380.0552(7), Florida Statutes.**

For the purposes of reviewing consistency of the adopted plan or any amendments to that plan with the principles for guiding development and any amendments to the principles, the principles shall be construed as a whole and no specific provision shall be construed or applied in isolation from the other provisions.

- (a) Strengthening local government capabilities for managing land use and development so that local government is able to achieve these objectives without continuing the area of critical state concern designation.
- (b) Protecting shoreline and benthic resources, including mangroves, coral reef formations, seagrass beds, wetlands, fish and wildlife, and their habitat.
- (c) Protecting upland resources, tropical biological communities, freshwater wetlands, native tropical vegetation (for example, hardwood hammocks and pinelands), dune ridges and beaches, wildlife, and their habitat.
- (d) Ensuring the maximum well-being of the Florida Keys and its citizens through sound economic development.
- (e) Limiting the adverse impacts of development on the quality of water throughout the Florida Keys.
- (f) Enhancing natural scenic resources, promoting the aesthetic benefits of the natural environment, and ensuring that development is compatible with the unique historic character of the Florida Keys.
- (g) Protecting the historical heritage of the Florida Keys.
- (h) Protecting the value, efficiency, cost-effectiveness, and amortized life of existing and proposed major public investments, including:
  - 1. The Florida Keys Aqueduct and water supply facilities;
  - 2. Sewage collection, treatment, and disposal facilities;
  - 3. Solid waste treatment, collection, and disposal facilities;
  - 4. Key West Naval Air Station and other military facilities;
  - 5. Transportation facilities;
  - 6. Federal parks, wildlife refuges, and marine sanctuaries;
  - 7. State parks, recreation facilities, aquatic preserves, and other publicly owned properties;
  - 8. City electric service and the Florida Keys Electric Co-op; and
  - 9. Other utilities, as appropriate.
- (i) Protecting and improving water quality by providing for the construction, operation, maintenance, and replacement of stormwater management facilities; central sewage collection; treatment and disposal facilities; and the installation and proper operation and maintenance of onsite sewage treatment and disposal systems.
- (j) Ensuring the improvement of nearshore water quality by requiring the construction and operation of wastewater management facilities that meet the requirements of ss. 381.0065(4)(l) and 403.086(10), as applicable, and by directing growth to areas served by central wastewater treatment facilities through permit allocation systems.
- (k) Limiting the adverse impacts of public investments on the environmental resources of the Florida Keys.
- (l) Making available adequate affordable housing for all sectors of the population of the Florida Keys.
- (m) Providing adequate alternatives for the protection of public safety and welfare in the event of a natural or manmade disaster and for a postdisaster reconstruction plan.
- (n) Protecting the public health, safety, and welfare of the citizens of the Florida Keys and maintaining the Florida Keys as a unique Florida resource.

Pursuant to Section 380.0552(7) Florida Statutes, the proposed amendment is not inconsistent with the Principles for Guiding Development as a whole and is not inconsistent with any Principle.

**C. The proposed amendment is consistent with the Part II of Chapter 163, Florida Statute (F.S.). Specifically, the amendment furthers:**

163.3177(1), F.S. – The comprehensive plan shall provide the principles, guidelines, standards, and strategies for the orderly and balanced future economic, social, physical, environmental, and fiscal development of the area that reflects community commitments to implement the plan and its elements. These principles and strategies shall guide future decisions in a consistent manner and shall contain programs and activities to ensure comprehensive plans are implemented. The sections of the comprehensive plan containing the principles and strategies, generally provided as goals, objectives, and policies, shall describe how the local government’s programs, activities, and land development regulations will be initiated, modified, or continued to implement the comprehensive plan in a consistent manner. It is not the intent of this part to require the inclusion of implementing regulations in the comprehensive plan but rather to require identification of those programs, activities, and land development regulations that will be part of the strategy for implementing the comprehensive plan and the principles that describe how the programs, activities, and land development regulations will be carried out. The plan shall establish meaningful and predictable standards for the use and development of land and provide meaningful guidelines for the content of more detailed land development and use regulations.

163.3178 (1), F.S. – The Legislature recognizes there is significant interest in the resources of the coastal zone of the state. Further, the Legislature recognizes that, in the event of a natural disaster, the state may provide financial assistance to local governments for the reconstruction of roads, sewer systems, and other public facilities. Therefore, it is the intent of the Legislature that local government comprehensive plans restrict development activities where such activities would damage or destroy coastal resources, and that such plans protect human life and limit public expenditures in areas that are subject to destruction by natural disaster.

163.3194, F.S. – (1)(b) All land development regulations enacted or amended shall be consistent with the adopted comprehensive plan, or element or portion thereof, and any land development regulations existing at the time of adoption which are not consistent with the adopted comprehensive plan, or element or portion thereof, shall be amended so as to be consistent. If a local government allows an existing land development regulation which is inconsistent with the most recently adopted comprehensive plan, or element or portion thereof, to remain in effect, the local government shall adopt a schedule for bringing the land development regulation into conformity with the provisions of the most recently adopted comprehensive plan, or element or portion thereof. During the interim period when the provisions of the most recently adopted comprehensive plan, or element or portion thereof, and the land development regulations are inconsistent, the provisions of the most recently adopted comprehensive plan, or element or portion thereof, shall govern any action taken in regard to an application for a development order.

163.3201, F.S. – Relationship of comprehensive plan to exercise of land development regulatory authority.—It is the intent of this act that adopted comprehensive plans or elements thereof shall be implemented, in part, by the adoption and enforcement of appropriate local regulations on the development of lands and waters within an area. It is the intent of this act that the adoption and enforcement by a governing body of regulations for the development of land or the adoption and enforcement by a governing body of a land development code for an area shall be based on, be related to, and be a means of implementation for an adopted comprehensive plan as required by this act.

## **VI. PROCESS**

Land Development Code Amendments may be proposed by the Board of County Commissioners, the Planning Commission, the Director of Planning, private application, or the owner or other person having a contractual interest in property to be affected by a proposed amendment. The Director of Planning shall review and process applications as they are received and pass them onto the Development Review Committee and the Planning Commission.

The Planning Commission shall hold at least one public hearing. The Planning Commission shall review the application, the reports and recommendations of the Department of Planning & Environmental Resources and the Development Review Committee and the testimony given at the public hearing. The Planning Commission shall submit its recommendations and findings to the Board of County Commissioners (BOCC). The BOCC holds a public hearing to consider the adoption of the proposed amendment, and considers the staff report, staff recommendation, Planning Commission recommendation and the testimony given at the public hearing. The BOCC may adopt the proposed amendment based on one or more of the factors established in LDC Section 102-158(d)(7).

In cases in which the proposed ordinance changes the actual list of permitted, conditional, or prohibited uses within a zoning category, the board of county commissioners shall hold two (2) advertised public hearings on the proposed ordinance.

## **VII. STAFF RECOMMENDATION**

Staff recommends approval of the proposed amendments.

## **VIII. EXHIBITS**

1. Maps of the eight (8) existing manufactured/mobile home parks within the URM-L designation
2. February 19, 2020 BOCC agenda item summary I 10
3. Email from ISO Program Coordination/CRS Specialists dated January 21, 2020
4. History of the URM-L zoning district
5. Documentation indicating the eight (8) existing manufactured/mobile home parks within the URM-L designation were constructed before 1/1/1975 (code criteria for existing MH parks)
6. Staff analysis of elevation requirements of manufactured/mobile homes based on existing Land Development Section 122-4(b)(4)
7. County manufactured/mobile home regulation analysis issued on November 18, 2017 to assist in rebuilding after Hurricane Irma
8. U.S. Code of Federal Regulations 44 CFR 60
9. 2017 Florida Building Code Flood Resistant Construction excerpt

Stock Island

AE 9

URM-L

AE 8



Stock Island

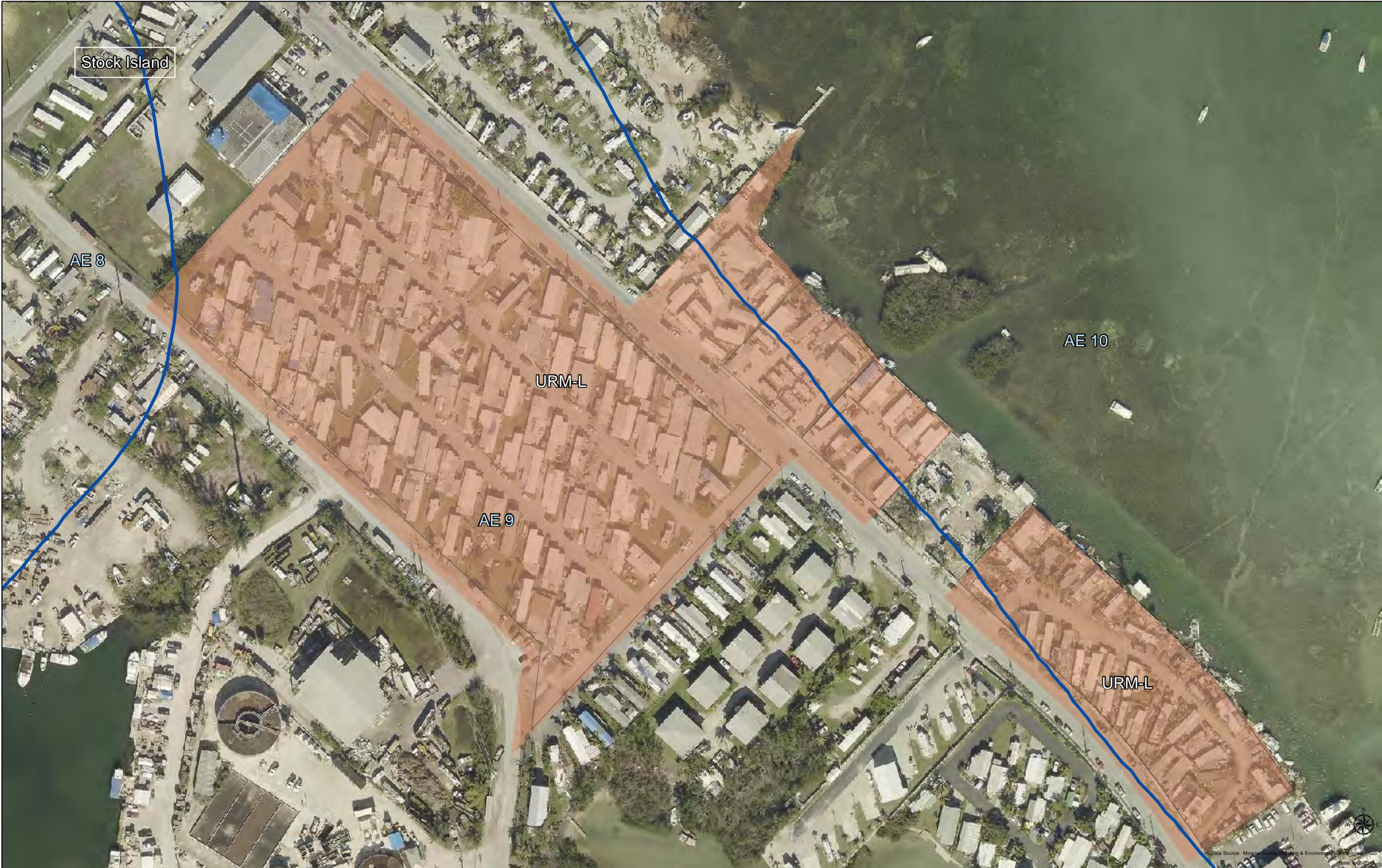
AE 8

AE 10

URM-L

AE 9

URM-L



Big Coppitt Key

AE 10

URM-L

VE 10



Cudjoe Key- Venture Out

VE 14

AE 9

URM-L  
AE 11

VE 15

VE 13

VE 12  
VE 13

VE 12

VE 15





**BOARD OF COUNTY COMMISSIONERS**

Mayor Heather Carruthers, District 3  
Mayor Pro Tem Michelle Coldiron, District 2  
Craig Cates, District 1  
David Rice, District 4  
Sylvia J. Murphy, District 5

County Commission Meeting  
February 19, 2020  
Agenda Item Number: I.10  
Agenda Item Summary #6574

**BULK ITEM:** No

**DEPARTMENT:** Planning/Environmental Resources

**TIME APPROXIMATE:**  
10:05 AM

**STAFF CONTACT:** Emily Schemper (305) 289-2506

**AGENDA ITEM WORDING:** Discussion on revising the Land Development Code to eliminate the ability for a manufactured/mobile home to be placed at an elevation below base flood elevation (BFE), on 36' piers, within the Urban Residential Mobile Home—Limited District (URM-L) to meet CRS Class 4 criteria.

**ITEM BACKGROUND:** In order for the County to meet Community Rating System (CRS) Class 4 criteria, the Land Development Code needs to be amended to eliminate the ability for a manufactured/mobile home to be placed at an elevation below base flood elevation (BFE) within the Urban Residential Mobile Home—Limited District (URM-L). The County currently allows mobile homes to be rebuilt on 36' piers, instead of being built to minimum flood elevation standards of other structures. The proposed change would result in the same level of flood protection (elevation requirements) for all homes (manufactured or non-manufactured) within the County.

Currently, the Monroe County Floodplain regulations allow for the substantial improvement and replacement of manufactured/mobile homes in URM-L zoned manufactured/mobile home parks to be placed at 36 inches above grade, if the unit meets the criteria of Section 122-4(b)(4), regardless of flood risk, including FEMA Special Flood Hazard Areas (SFHA) flood zones or BFE, *unless* the manufactured/mobile homes are substantially damaged by flooding.

**Sec. 122-4(b)(4) Manufactured homes.**

- a. *Effective June 1, 1977, no manufactured home not already in place shall be placed within areas of special flood hazard except in an existing manufactured home park or subdivision, as hereafter defined. In the event that the Federal Emergency Management Agency eliminates the existing manufactured home park or subdivision requirement of 44 CFR 60.3(c)(12), then no manufactured home may be placed below the base flood elevation.*
- b. *A manufactured home that is to be placed on a qualified lot **may be placed at an elevation below base flood elevation** provided that:*
  1. *The lot which the manufactured home is to be placed is located in an existing manufactured home park or subdivision and is contiguous to and surrounded by manufactured homes not at base flood elevation.*

2. *The manufactured homes that are placed or substantially improved (for other than substantial damage due to a flood) on sites in existing manufactured home parks or subdivisions in flood hazard areas shall be elevated so that the manufactured home chassis is supported by reinforced piers or other foundation elements that are no less than 36 inches in height above the grade at the site. A lower foundation system could be used if the top of the finished floor of the manufactured home or the bottom of the beam (for V zones) would be at or above the base flood elevation using such foundation.*
3. *All other foundations requiring elevation of the structure in order to meet the floodplain standards must comply with Section 122-3(c), the provisions of subsection (b)(5) of this section or chapter 18 of the Florida Building Code whichever is applicable.*

On January 21, 2020, the County was informed to qualify for a CRS Class 4 rating, the County must meet a set point criteria in the CRS program and meet certain prerequisite standards, including an effective regulatory program to prevent a recurrence of flooding. Communication with ISO Program Coordination/CRS Specialists included that a modification to current floodplain regulation provisions for elevating manufactured/mobile homes is necessary to meet the class 4 prerequisite. Allowing mobile homes to build back on 36' piers, below the minimum flood elevation does not meet the Class 4 prerequisites. Note, ISO/CRS Specialists are responsible for reviewing community requests for Community Rating System classification and verifying implementation of activities credited by the CRS prior to FEMA granting the CRS class.

Excerpt from the CRS Coordinator's Manual:

#### **211.c. Class 4 Prerequisites**

A Class 4 or better community must demonstrate that it has programs that minimize flood losses, minimize increases in future flooding, protect natural floodplain functions, and protect people from the dangers of flooding. Even though it may have enough points, a community that cleared most of the buildings from its floodplain with disaster assistance funds after a flood cannot be a Class 4 or better if it does not have an effective regulatory program to prevent a recurrence of the problem.

The community must demonstrate that it has taken appropriate steps to eliminate or minimize future flood losses. To do this, a Class 4 or better community must receive credit for the following CRS activities.

- (a) Activity 430 (Higher Regulatory Standards)—The community must show that it enforces higher regulatory standards to manage new development in the floodplain.
  - (i) The community must adopt and enforce at least a 1-foot freeboard requirement (including equipment or mechanical items) for all buildings constructed, substantially improved and/or reconstructed due to substantial damage, and buildings allowed to be floodproofed, throughout its SFHA, except those areas that receive OSP credit under Activity 420 (Open Space Preservation). In unnumbered A, AO, and V Zones, the community must first determine a base flood elevation consistent with the techniques credited under Activity 410 (Flood Hazard Mapping).

If the provision with the elevation exception was removed from the Land Development Code, the County may qualify for a Community Rating System (CRS) Class 4 rating. This would increase premium discounts for structures in the unincorporated SFHA from 25% to 30%, which would

equate to a savings of approximately \$6,376,373 per year, from the current discount of approximately \$5,317,202.

## History of CRS Participation and Discount

Year	CRS Class/%Discount	Avg Savings per NFIP Policy	Total Savings	Cumulative Savings
10/1/2016 - 9/30/2017	Class 6/20%	\$233	\$3,629,670	\$3,629,670
10/1/2017- 9/30/2018	Class 5/25%	\$350	\$5,135,345	\$8,765,015
10/1/2018-9/30/2019	Class 5/25%	\$350	\$5,135,345	\$13,900,360
*10/1/2019-9/30/2020	Class 5/25%	\$373	\$5,317,202	\$19,217,562
<b>Grand Total</b>				\$19,217,562
<b>Goal</b>				
CRS Class 4 Effective Date 10/2/2020-10/1/2021		\$448	\$6,376,373	\$25,593,935

Based on this information, staff is evaluating Land Development Code revisions as follows. The proposed text changes are shown with additions underlined and deletions are ~~stricken through~~.

### Sec. 122-4. - Standards for Issuance of Building Permits in Areas of Special Flood Hazard.

(a) **Generally.** No building permit for proposed construction or development activity within an area of special flood hazard shall be granted, by the Building Official or the floodplain administrator, unless the proposed new construction is in compliance with the standards set forth in this chapter. In all areas of special flood hazard, the following standards apply:

\* \* \* \* \*

(b) **Additional standards.** In all areas of special flood hazard where base flood elevation data has been provided the following provisions are required:

**(4) Manufactured homes.**

- a. Effective June 1, 1977, no manufactured home not already in place shall be placed within areas of special flood hazard except in an existing manufactured home park or subdivision, as hereafter defined. Require that manufactured homes to be placed or substantially improved on sites in an existing manufactured home park or subdivision within Zones A-1-30, AH, and AE on the community's FIRM shall be elevated so the lowest floor of the manufactured home meets the Florida Building Code required design flood elevation. <or> Require that manufactured homes to be placed or substantially improved on sites in an existing manufactured home park or subdivision within Zones A-1-30, AH, and AE on the community's FIRM shall be elevated such that the bottom of the frame is at or above the elevation required, as applicable to the flood hazard area, in the Florida Building Code, Residential Section R322.2 (Zone A) or Section R322.3 (Zone V). ~~In the event that the Federal Emergency Management Agency eliminates the existing manufactured home park or subdivision requirement of 44 CFR 60.3(c)(12), then no manufactured home may be placed below the base flood elevation.~~
- b. ~~A manufactured home that is to be placed on a qualified lot may be placed at an elevation below base flood elevation provided that:~~

- ~~1. The lot which the manufactured home is to be placed is located in an existing manufactured home park or subdivision and is contiguous to and surrounded by manufactured homes not at base flood elevation.~~
- ~~2. The manufactured homes that are placed or substantially improved (for other than substantial damage due to a flood) on sites in existing manufactured home parks or subdivisions in flood hazard areas shall be elevated so that the manufactured home chassis is supported by reinforced piers or other foundation elements that are no less than 36 inches in height above the grade at the site. A lower foundation system could be used if the top of the finished floor of the manufactured home or the bottom of the beam (for V zones) would be at or above the base flood elevation using such foundation.~~
- ~~3. All other foundations requiring elevation of the structure in order to meet the floodplain standards must comply with Section 122 3(c), the provisions of subsection (b)(5) of this section or chapter 18 of the Florida Building Code whichever is applicable.~~

\* \* \* \* \*

**Sec. 130-53. - Purpose of the Urban Residential Mobile Home—Limited District (URM-L).**

The purpose of the URM-L district is to recognize the existence of parks and subdivisions which consist exclusively, or almost exclusively, of mobile homes, but not to create new such areas, ~~in order to permit property owners in such areas to replace or establish mobile homes below base flood elevation as authorized by certified federal regulations.~~

**Sec. 130-100. - Urban Residential Mobile Home—Limited District (URM-L).**

- (a) The following uses are permitted as of right in the Urban Residential Mobile Home-Limited district:
- (1) Mobile homes;
  - (2) Recreational vehicles in a registered RV park or park trailers commonly known as 'park models' as defined in F.S. 320.01;
  - (3) Detached dwellings**
  - ~~(4)~~ Home occupations—Special use permit required;
  - ~~(5)~~ Accessory uses;
  - ~~(6)~~ Tourist housing uses, including vacation rental uses, are prohibited except in gated communities that have:
    - a. Controlled access; and
    - b. A homeowner's or property owner's association that expressly regulates or manages vacation rental uses;
  - ~~(7)~~ Collocations on existing antenna-supporting structures, pursuant to section 146-5(c);
  - ~~(8)~~ Satellite earth stations less than two meters in diameter, as accessory uses, pursuant to section 146-5(f); and
  - ~~(9)~~ Wastewater nutrient reduction cluster systems that serve less than ten residences.
- (b) The following uses are permitted as minor conditional uses in the urban Residential mobile home—limited district, subject to the standards and procedures set forth in chapter 110, article III:
- (1) Replacement of an existing antenna-supporting structure pursuant to section 146-5(b);
  - (2) Stealth wireless communications facilities, as accessory uses, pursuant to section 146-5(e); and
  - (3) Satellite earth stations greater than or equal to two meters in diameter, as accessory uses, pursuant to section 146-5(f)

The proposed change would affect eight (8) existing manufactured/mobile home parks within the URM-L designation in the unincorporated County. All of these manufactured/mobile homes (100%) are within the SFHA flood zone (see attachment maps). Staff has reviewed the eight URM-L

designated manufactured/ mobile home parks and provided the following summary based on an analysis of best available data:

	URM-L existing manufactured/ mobile home parks	Property address	Manufactured/ mobile home (MH) count* based on June field visits, aerial imagery & department data (does not include other structure types)	SFHA	# currently elevated below BFE	# currently elevated at or above BFE	# of MHs that must elevate to BFE +1ft under current code**	# of additional affected MHs with proposed policy change to remove 36" exception*
1	Stock Island 00126550-000000	5031 5th Ave	77***	AE 8	2	75	2	0
2	Stock Island 00126090-000000	6500 Maloney Ave	93***	AE 9	93	0	45	48
3	Stock Island 00125740-000000	6531 Maloney Ave	12***	AE 9 AE 10	9	3	4	5
4	Stock Island 00125750-000000	6529 Maloney Ave	4***	AE 9 AE 10	3	1	3	0
5	Stock Island 00132350-000000	6511 Maloney Ave	10***	AE 9 AE 10	10	0	0	10
6	Stock Island 00125770-000000	6621 Maloney Ave	24***	AE 9 AE 10	24	0	14	10
7	Big Coppitt 00121761- 000000+ 00121762- 000100+	55 Boca Chica Rd	131***	AE 10 VE 10	126	5	88	38
8	Cudjoe 00188681- 000000+	701 Spanish Main Dr	424***	AE 9 AE 11 VE 12 VE13 VE 15	289	135	248	41
<b>Total</b>			<b>775</b>		<b>556</b>	<b>219</b>	<b>404</b>	<b>152</b>

\*This does not include vacant spaces/parcels.

\*\*This estimate could increase, if during permitting a property is determined to have been substantially damaged by flood.

\*\*\* This analysis is not intended for the recognition of development rights or to identify permitted or unpermitted work, and should not be used nor relied upon for these items.

There are approximately 20,200 total structures in the SFHA flood zone. Of these structures, there are approximately 775 manufactured/mobile homes in these eight (8) existing manufactured/mobile home parks within the URM-L designation in the unincorporated County. Staff estimates of the 775 manufactured/mobile homes, that approximately 219 (28%) are currently elevated *at or above* BFE and 556 (72%) are currently elevated *below* BFE.

Some of the 775 manufactured/mobile homes would already be required to elevate based on the current adopted regulations because the home is *not contiguous to and surrounded by* manufactured

homes not at base flood elevation (BFE). Staff estimates this would be approximately 404 (52%) the 775 manufactured/mobile homes. It is important to note that as these manufactured/mobile homes are replaced and elevated to BFE under the current provisions of the Floodplain Regulations, the manufactured/mobile homes units contiguous to these replaced units will then be subject to elevating to BFE (i.e. a continual domino effect).

If the provisions with the elevation exception were removed from the Land Development Code, then the manufactured/ mobile homes within the eight (8) existing URM-L designated manufactured/ mobile home parks would be required to elevate above current requirements upon replacement. This would be a gradual process, as the units would not need to be elevated until they are replaced or substantially damaged or substantially improved (the proposed change would apply at the time of replacement). Staff estimates of the 775 manufactured/mobile homes, that approximately 152 (20%) would be the number of additionally affected manufactured/mobile homes [i.e. if elevation exception was removed, these units would be required to elevate above the currently required 36 inches, even if the units were contiguous to and surrounded by manufactured homes also not at base flood elevation (BFE)]. Overall, the rate of replacement in these URM-L parks is slow, so it would take multiple years before all the manufactured/mobile homes would be elevated.

Staff would also suggest an amendment to allow *detached dwellings* within the URM-L district which will provide property owners with another housing option with greater resilience and wind-load provisions. Note, as proposed a *detached dwelling* would be permitted as of right through the approval of a building permit. While approved via a building permit, the request for a *detached dwelling* would be subject to the requirements of the comprehensive plan and the other provisions of the land development code, such as development standards, bulk regulations, rate of growth ordinances, etc.

As a whole, the proposed elevation change will result in the same level of flood protection and resiliency as other homes (i.e. non-manufactured) within the County. While it is recognized that there are financial impacts in elevating manufactured/mobile homes higher than what is currently required, the benefits (not being damaged by flooding) of elevating to the BFE + 1ft when the home is replaced generally outweighs the elevation costs in the long term.

Since the impacts of Hurricane Irma, the County has been working on numerous recovery, post disaster and resiliency proposals/programs and there are several potential funding opportunities for the owners of these manufactured/mobile homes to participate in rebuilding and elevating their homes. Note, if owners of these manufactured/mobile homes participate in rebuilding and elevating their homes with federal funds, the manufactured/mobile homes would need to be elevated at least 2 feet above BFE due to requirements within the Code of Federal Regulations.

The following programs are potentially available to replace, elevate and reduce the risk of flooding:

- FEMA Hazard Mitigation Grant Program (HMGP) for mitigation measures
- Flood Mitigation Assistance (FMA) Grant Program to reduce or eliminate the long-term risk of flood damage to buildings, manufactured homes and other structures insured under the NFIP

- Pre-Disaster Mitigation (PDM) funds for hazard mitigation planning and implementation of mitigation projects
- Rebuild Florida Program to demo, repair, reconstruct and elevate primary homes
- Voluntary Home Buyout Program utilizing Community Development Block Grant-Disaster Recovery funding

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Research conducted by the Florida Floodplain Managers Association (FFMA) in 2019, determined the following Florida communities do not allow the 36-inch elevation option:

- |                           |                               |
|---------------------------|-------------------------------|
| 1. Citrus County          | 5. Key West (Monroe County)   |
| 2. Holmes Beach (Manatee) | 6. Marco Island (Collier)     |
| 3. Indian River County    | 7. Miramar (Broward Beach)    |
| 4. Jupiter (Palm Beach)   | 8. Nassau County              |
|                           | 9. Pinellas County            |
|                           | 10. Tarpon Springs (Pinellas) |

Also, throughout the Country, ISO has documented the following communities have adopted higher elevation requirements (not allowing the 36-inch elevation option):

- |                                     |                          |
|-------------------------------------|--------------------------|
| 1. Jacksonville, AR                 | 23. Carteret County, NC  |
| 2. Clarkdale, AZ                    | 24. Dare County, NC      |
| 3. Camp Verde, AZ                   | 25. Omaha, NE            |
| 4. Prescott, AZ                     | 26. Hazlet, NJ           |
| 5. Santa Cruz County, AZ            | 27. Licking County, OH   |
| 6. Yavapai County, AZ               | 28. Norman, OK           |
| 7. Boulder County, CO               | 29. Tulsa, OK            |
| 8. Key West, FL                     | 30. Albany, OR           |
| 9. Eagle, ID                        | 31. Salem, OR            |
| 10. Kootenai County, ID             | 32. Monroe, PA           |
| 11. Zanesville, IN                  | 33. Shaler, PA           |
| 12. Vanderburgh County, IN          | 34. Lewistown, PA        |
| 13. Bonner Springs, KS              | 35. Watertown, SD        |
| 14. Jefferson County, KS            | 36. Haltom City, TX      |
| 15. Louisville-Jefferson County, KY | 37. Grand Prairie, TX    |
| 16. Calvert County, MD              | 38. Fairfax County, VA   |
| 17. Cecil County, MD                | 39. Auburn, WA           |
| 18. Harford County, MD              | 40. Kent, WA             |
| 19. Gulfport, MS                    | 41. Clark County, WA     |
| 20. Harrison County, MS             | 42. Thurston County, WA  |
| 21. Morehead City, NC               | 43. Snohomish County, WA |
| 22. Newport, NC                     |                          |

A local example with higher regulatory standards is the City of Key West which has adopted the following requirements for manufactured/mobile homes:

#### Sec. 122-1276. - Standards.

Manufactured housing may be permitted in the city if the units comply with the following standards:

- (1) The city's adopted building codes;
- (2) The state building standards of F.S. chs. 320 and 553;
- (3) U.S. Department of Housing and Urban Development Manufactured Home Construction and Safety Standards of 1974 (i.e., F.S. § 320.823);
- (4) All applicable provisions of the comprehensive plan and land development regulations;
- (5) Adopted city fire codes; and
- (6) All manufactured housing shall be designed in a manner compatible with conventional housing including roofline, fenestration, foundation and similar features impacting compatibility. The finished floor elevation for manufactured housing shall be designed with site improvements necessary to preserve compatibility with surrounding structures.

#### Sec. 34-136. - Manufactured homes.

- (1) *General.* All manufactured homes installed in flood hazard areas shall be installed by an installer that is licensed pursuant to F.S. § 320.8249, and shall comply with the requirements of Chapter 15C-1, F.A.C. and the requirements of this ordinance. If located seaward of the coastal construction control line, all manufactured homes shall comply with the more restrictive of the applicable requirements.
- (2) *Foundations.* All new manufactured homes and replacement manufactured homes installed in flood hazard areas shall be installed on permanent, reinforced foundations that:
  - (a) In flood hazard areas (Zone A) other than coastal high hazard areas, are designed in accordance with the foundation requirements of the Florida Building Code, Residential Section R322.2 and this ordinance.
  - (b) In coastal high hazard areas (Zone V), are designed in accordance with the foundation requirements of the Florida Building Code, Residential Section R322.3 and this ordinance.
- (3) *Anchoring.* All new manufactured homes and replacement manufactured homes shall be installed using methods and practices which minimize flood damage and shall be securely anchored to an adequately anchored foundation system to resist flotation, collapse or lateral movement. Methods of anchoring include, but are not limited to, use of over-the-top or frame ties to ground anchors. This anchoring requirement is in addition to applicable state and local anchoring requirements for wind resistance.
- (4) *Elevation.* Manufactured homes that are placed, replaced, or substantially improved shall comply with section 34-136(4)(a) or (b) of this ordinance, as applicable.
  - (a) *General elevation requirement.* Unless subject to the requirements of section 34-136(4)(b) of this ordinance, all manufactured homes that are placed, replaced, or substantially improved on sites located:
    1. Outside of a manufactured home park or subdivision;
    2. In a new manufactured home park or subdivision;
    3. In an expansion to an existing manufactured home park or subdivision; or
    4. In an existing manufactured home park or subdivision upon which a manufactured home has incurred "substantial damage" as the result of a flood, shall be elevated such that the bottom of the frame is at or above the elevation required, as applicable to the flood hazard area, in the Florida Building Code, Residential Section R322.2 (Zone A) or Section R322.3 (Zone V).
  - (b) *Elevation requirement for certain existing manufactured home parks and subdivisions.* Manufactured homes that are not subject to section 34-136(4)(a) of this ordinance, including manufactured homes that are placed, replaced, or substantially improved on sites located in an existing manufactured home park or subdivision, unless on a site where substantial damage as result of flooding has occurred, shall be elevated such that the bottom of the frame of the manufactured home is at or above the base flood elevation.

If the BOCC directs staff to initiate the Land Development Code amendments as described above, the tentative timeline to meet the CRS Class 4 is: Development Review Committee February 25th, Planning Commission March 25th, BOCC April 15<sup>th</sup> for the first hearing, and BOCC May 20<sup>th</sup> for

the second hearing to adopt the amendments.

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**PREVIOUS RELEVANT BOCC ACTION:**

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**CONTRACT/AGREEMENT CHANGES:**

n/a

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**STAFF RECOMMENDATION:** Direction on initiating Land Development Code amendments.

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**DOCUMENTATION:**

URM-L\_LUD\_FLOODZONES\_map of affected areas  
Info from ISO on required MH elevation Code amendment for CRS Class 4\_1.21.2020  
Repetitive Loss Area Analysis agenda item summary\_CRS Class 4 info\_January 22, 2020  
2017\_FBC\_Flood\_Resistant Construction  
US Code of Federal Regulations\_44 CFR 60

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**FINANCIAL IMPACT:**

<p><b>Effective Date:</b> <b>Expiration Date:</b></p> <p><b>Total Dollar Value of Contract:</b> <b>Total Cost to County:</b> <b>Current Year Portion:</b> <b>Budgeted:</b> <b>Source of Funds:</b> <b>CPI:</b> <b>Indirect Costs:</b> <b>Estimated Ongoing Costs Not Included in above dollar amounts:</b></p> <p><b>Revenue Producing:</b>                      <b>If yes, amount:</b> <b>Grant:</b> <b>County Match:</b> <b>Insurance Required:</b> n/a</p> <p><b>Additional Details:</b></p>
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**REVIEWED BY:**

Emily Schemper	Completed	01/31/2020 4:53 PM
Assistant County Administrator Christine Hurley		Completed
	02/03/2020 8:52 AM	
Mayte Santamaria	Completed	02/03/2020 9:10 AM
Steve Williams	Completed	02/03/2020 9:30 AM

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Budget and Finance	Completed	02/04/2020 10:05 AM
Maria Slavik	Completed	02/04/2020 10:50 AM
Kathy Peters	Completed	02/04/2020 1:58 PM
Board of County Commissioners	Pending	02/19/2020 9:00 AM

## Santamaria-Mayte

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**From:** Hurley-Christine  
**Sent:** Friday, January 31, 2020 2:09 PM  
**To:** Schemper-Emily; Santamaria-Mayte  
**Subject:** FW: Monroe

For inclusion as backup if we do an agenda item in February for discussion.

Christine Hurley, AICP  
 Monroe County  
 Assistant County Administrator  
 305.289.2517

---

**From:** Lehr-Lori <Lehr-Lori@MonroeCounty-FL.Gov>  
**Sent:** Friday, January 31, 2020 1:30 PM  
**To:** Hurley-Christine <Hurley-Christine@MonroeCounty-FL.Gov>  
**Subject:** Fwd: Monroe

Lori Lehr, CFM  
 Floodplain Program  
 Monroe County BOCC  
 2798 Overseas Highway, 2nd Floor  
 Marathon, FL 33050  
 Cell: 305.407.6585

-----Original Message-----

**From:** Harper, Sherry <SHarper@verisk.com>  
**Sent:** Tuesday, January 21, 2020 11:46 PM  
**To:** Lori Lehr <lori@lorilehrinc.com>  
**Cc:** Arkens, David M. <DMArkens@verisk.com>; Cofoid, Scott <SCofoid@verisk.com>; Martinez, Cristina M. <Cristina.Martinez@verisk.com>; Gowans, Amanda R. <Amanda.Gowans@verisk.com>; Smith, Jonathan L. <Jonathan.Smith@verisk.com>; molly@mollyotoole.com; Dave Carlton <dave@dkcarlton.com>; Lesser, Bill <Bill.Lesser@fema.dhs.gov>; Al Goodman <awgconsult@outlook.com>; Wesley Shaw <wes@blueurchin.com>; Jacki Monday <jacki.jlm@bresnan.net>  
**Subject:** RE: Monroe

Hi Lori-

I copied the team here, as we had a very thorough discussion of the Monroe County proposal and good points were made all around.

While Monroe County's approach would eventually get most mobile homes elevated to where they should, be the regulation leaves a portion of the most vulnerable current population and building inventory at risk. Some mobile homes may never be required to elevate since no one is adjacent to them. This would be the same as only requiring elevation of a SI/SD structure when the adjacent structure has been elevated which we would never accept. As a group it was decided Monroe County's current regulations do not meet the Coordinator Manual's intent, which is to get everyone elevated as soon as possible.

A modification for a class 4 could be considered only after the regulation is amended to meet the class 4 prerequisite.

Best regards,  
Sherry

Sherry Harper  
Director, Natural Hazards  
Phone: +1.850.682.1998 | Mobile: +1.850.902.5075 | Fax: +1.201.748.1869

[verisk.com](http://verisk.com) | [vCard](#) | [Map](#) | [Email](#)

## History of the URM-L district

The URM-L land use zoning district was adopted on July 5, 1989, via Ordinance 019-1989, as follows:

**PD59**

**Section 9.5-205**

Section 9.5-205.1, Monroe County Code, is hereby created to read as follows:

Section 9.5-205.1. Purpose of the Urban Residential Mobile Home-Limited District (URML-L). The purpose of the URML-L is to recognize the existence of parks and subdivisions which consist exclusively, or almost exclusively, of mobile homes, but not to create new such areas, in order to permit property owners in such areas to replace or establish mobilehomes below base flood elevation as authorized by certified federal regulations.

**PD69**

**Section 9.5-235.1**

Section 9.5-235.1, Monroe County Code, is hereby created to read as follows:

Section 9.5-235.1, URM-L District.

- (a) The following uses are permitted as of right in the URM-L District:
1. Mobile homes
  2. Recreational vehicles, as provided in Chapter 513, Florida Statutes;
  3. Home occupations by special use permit requiring a public hearing;
  4. Accessory uses
- (b) The following uses are permitted as major conditional uses in the URM-L district subject to the standards and procedures set forth in article VII, division 4:
1. Marinas, provided that:
    - a. The marina is primarily intended and designed to serve the residents of the district in which it is located;
    - b. The parcel proposed for development has access to water of at least four (4) feet below mean sea level at mean low tide;
    - c. The sale of goods and services is limited to fuel, food, boating and diving and sport fishing products;
    - d. Vessels docked or stored shall not be used for live-aboard purposes; and
    - e. All outside storage area are screened from adjacent uses by a solid fence, wall or hedge of at least six (6) feet in height.

\* \* \* \* \*

PD107

Section 9.5-268

Section 9.5-268, Monroe County Code, is hereby amended to read as follows:

Existing Residential Dwellings. Notwithstanding the provisions of sections 9.5-262 and 9.5-263, the owners of land upon which a dwelling unit or mobile home used as a principle residence prior to the effective date of the plan was lawful on the effective date of this chapter shall be entitled to a density allocation of one (1) dwelling unit for each such unit in existence on the effective date of this chapter. Such entitlement shall allow the owner of said property and holder of the allocated unit to reconstruct the unit on the site from whence it came should such unit be destroyed. In no case shall the owner of a lot in the URM-L district be allowed to reconstruct should that dwelling unit be destroyed or need replacement.

This zoning district does not allow site-built single family residences and limits residential structures to manufactured/mobile homes. Additionally, this zoning district provides an exception to floodplain elevation requirements, allowing manufactured/mobile homes to be placed or replaced below base flood elevation.

This district was created as a result of FEMA Community Assistance Visits in 1987/1988 which noted that Monroe County was allowing the mixing of conventional structures among manufactured/mobile home parks/subdivisions which affect the 'existing or grandfather' status of these parks. The County proposed the URM-L district to limit the permitted uses in these parks and limit the structural intrusions.

The elevation exception for manufactured/mobile homes was included in Ordinance 033-1986 as follows:

**3. Mobile Homes.**

- a. Effective June 1, 1977, no mobile home not already in place shall be placed within areas of special flood hazard, except in an existing mobile home park or subdivision or on lots with existing mobile home variances.
- b. A mobile home that is to be placed on a qualified lot may be placed at an elevation below the base flood elevation provided that:
  - (i) the lot on which the mobile home is to be placed is contiguous to and surrounded by mobile homes which are not elevated to the base flood elevation; and
  - (ii) the mobile home so placed will be placed at an elevation equal to that of the surrounding mobile homes.
- c. An existing mobile home may be replaced without regard to the elevation requirements of these regulations and without need of a variance provided the mobile home so replaced was at an elevation below the base flood elevation.

The elevation exception for manufactured/mobile homes was further included in Ordinance 014-1988 as follows:

3. Manufactured Homes.

(a) Effective June 1, 1977, no manufactured home not already in place shall be placed within areas of special flood hazard except in existing manufactured home park or subdivision, as hereafter defined. In the event that the Federal Emergency Management Agency eliminates the existing manufactured home park or subdivision requirement of 44 CFR 60.3(c)(12), then no manufactured home may be placed below the base flood elevation.

(b) A manufactured home that is to be placed on a qualified lot may be placed at an elevation below base flood elevation provided that:

(i) The lot on which the manufactured home is to be placed is located in an existing manufactured home park or subdivision and is contiguous to, and surrounded, by manufactured homes not at base flood elevation. For the purposes of this section, an existing manufactured home park or subdivision is one in which, at the time of application, there are no site built residences or a park or subdivision which is limited to manufactured homes only by the

Monroe County Land Development Regulations.

In the event the Federal Emergency Management Agency eliminates the existing manufactured home park or subdivision exemption, then the existing manufactured home park or subdivision exemption of this subsection shall no longer be of any force or effect.

(ii) The manufactured home so placed will be placed at an elevation equal to that of the surrounding manufactured homes.

(c) An existing manufactured home may be replaced without regard to the elevation requirements of these regulations and without need of a variance provided the manufactured home so replaced was at an elevation below the base flood elevation.

A memo from the Planning Department to the Planning Commission in 1990 regarding the background of the URM-L district included the following explanation:

On October 1, 1986 The Federal Emergency Management Agency printed a final rule in the Federal Register which amended 44 CFR provision 60.3(c)(6) and required that all manufactured homes be placed or substantially improved in accordance with the elevation requirements of the zone. This rule was suspended by a notice published in the Federal Register on June 30, 1987 and this suspension extended through October 31, 1989. On May 19, 1989 FEMA published for comment a proposed rule which would revise NFIP Floodplain management criteria on placement and substantial improvements of manufactured homes on sites in existing manufactured home parks and subdivision.

Prior to developing this proposed rule, FEMA reviewed the comments submitted, and conducted further research into the impacts of flooding on existing manufactured home parks and subdivisions, and developed a report for Congress entitled "National Flood Insurance Program: Report on Existing Manufactured Home Parks and Subdivisions". The report concluded that there were alternatives to the October 1986 rule revision that would reduce the economic impacts on the owners and residents of existing manufactured home parks and subdivisions, yet still achieve the NFIP objectives of reducing flood damages and threats to public safety.

The proposed rule represented a compromise that was intended to minimize adverse economic impacts on the manufactured home community while at the same time substantially achieved the NFIP objectives of reducing loss of life and property. The rule which was developed was basically "grandfathering" in existing pure mobile home parks and subdivisions. It allows for the placement and substantial improvement of mobile homes within pure parks at 36 inches above grade or base flood elevation, whichever is lower. However, manufactured homes placed or substantially improved on sites in an existing manufactured home park or subdivision on which a manufactured home has incurred substantial damage as the result of a flood, would now be required to elevate to or above the base flood elevation.

**Unit is within a manufactured/mobile home park or subdivision with facilities constructed before 1/1/1975:**

LDC Section 122-3(a): *Existing manufactured home park* means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of the streets, and either final site grading or the pouring of concrete pads is completed before January 1, 1975, and in which, at the time of application, there are no site built residences or the park or subdivision is limited to manufactured home by this chapter.

**1. Stock Island (Sunset Harbor - NHC-FL136 LLC - 00126550-000000)**

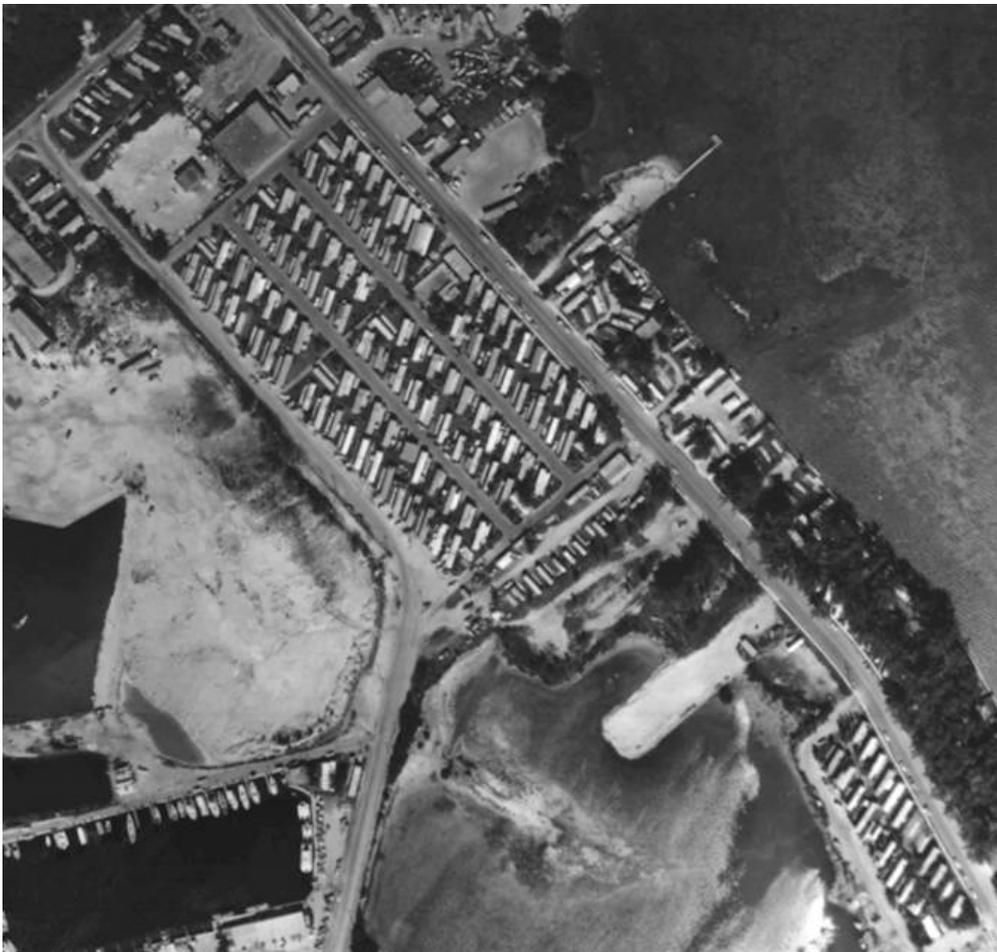
1968:



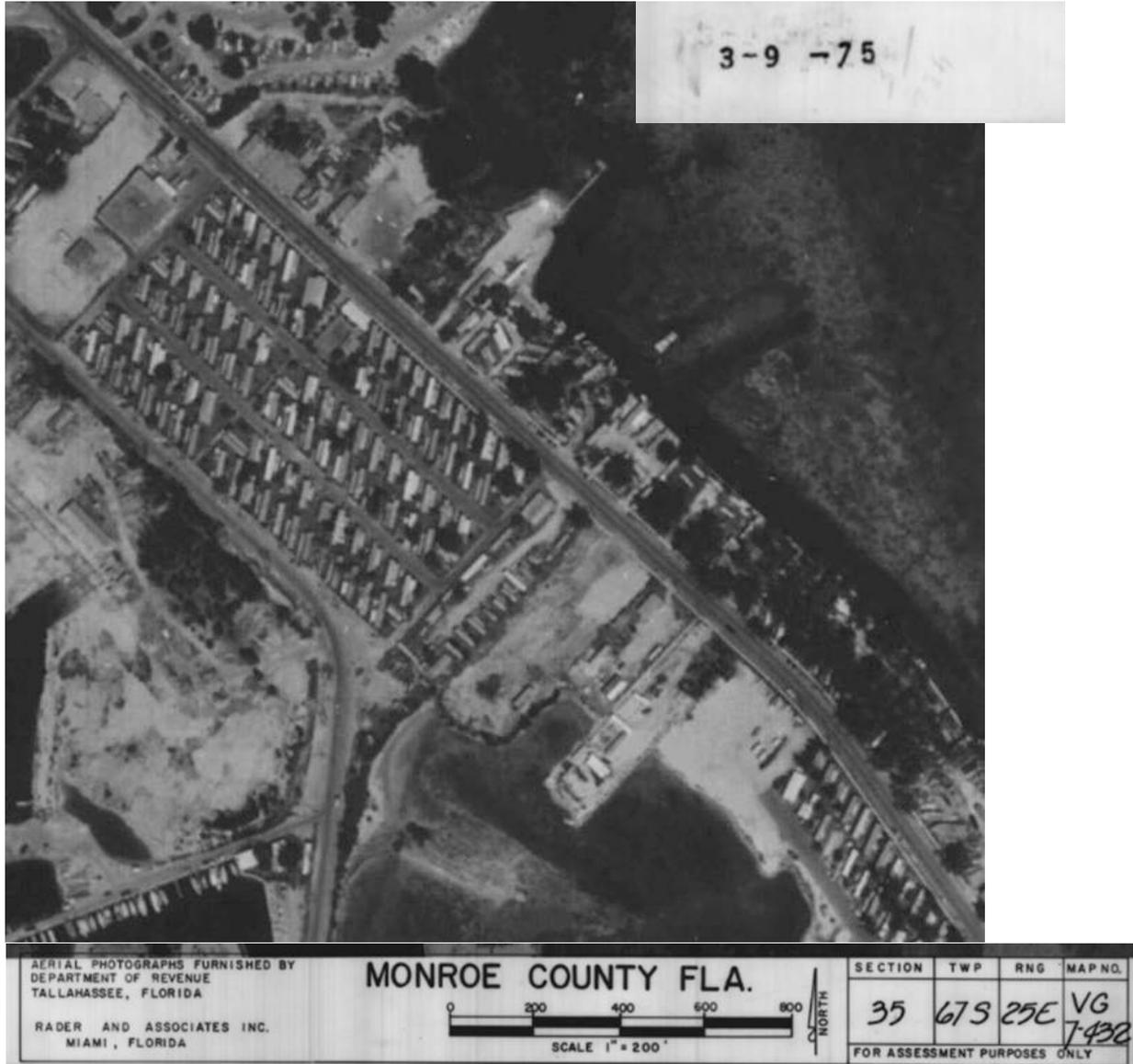
- 2. Stock Island (Roy's Trailer Park - 00126090-000000)
- 3. Stock Island (00125740-000000)
- 4. Stock Island (00125750-000000)
- 5. Stock Island (00132350-000000)
- 6. Stock Island (00125770-000000)



1972:



1975:

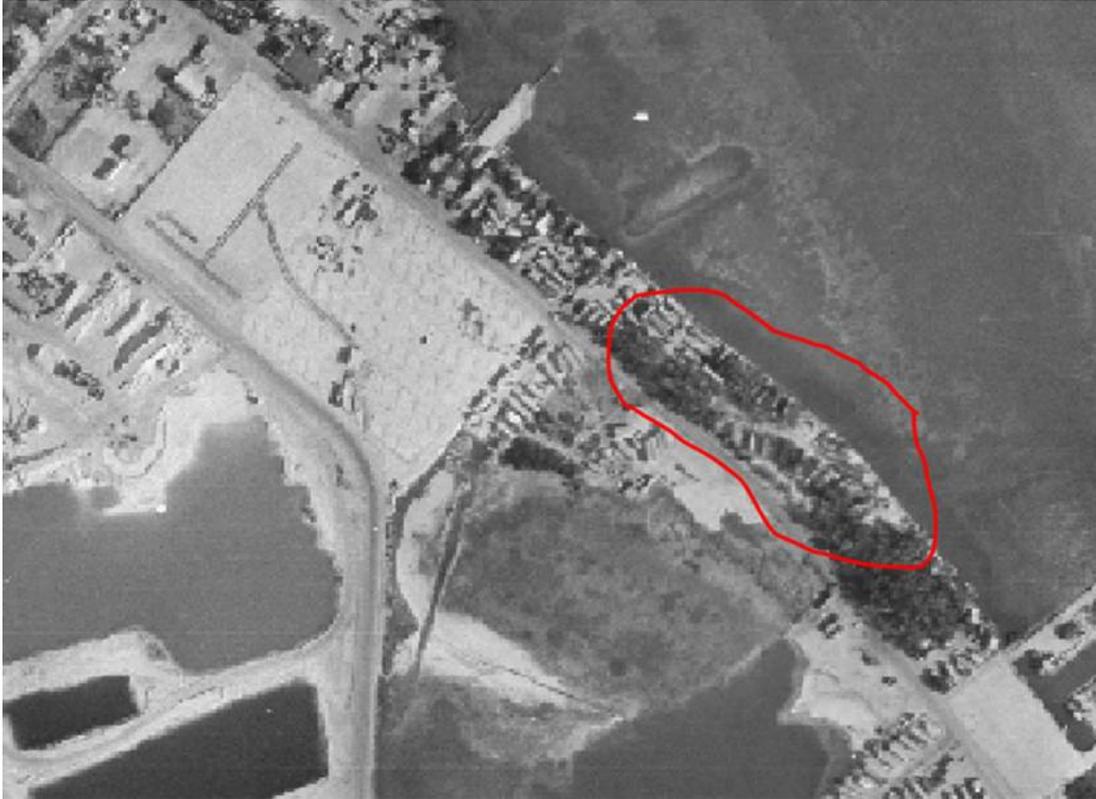


1959:



1959- Looks like that there might be trailers on the property next to the water.

1959:



7. Big Coppitt (Seaside Resort 00121761-000000+, 00121762-000100+)



1975:



AERIAL PHOTOGRAPHS FURNISHED BY  
DEPARTMENT OF REVENUE  
TALLAHASSEE, FLORIDA

RADER AND ASSOCIATES INC.  
MIAMI, FLORIDA

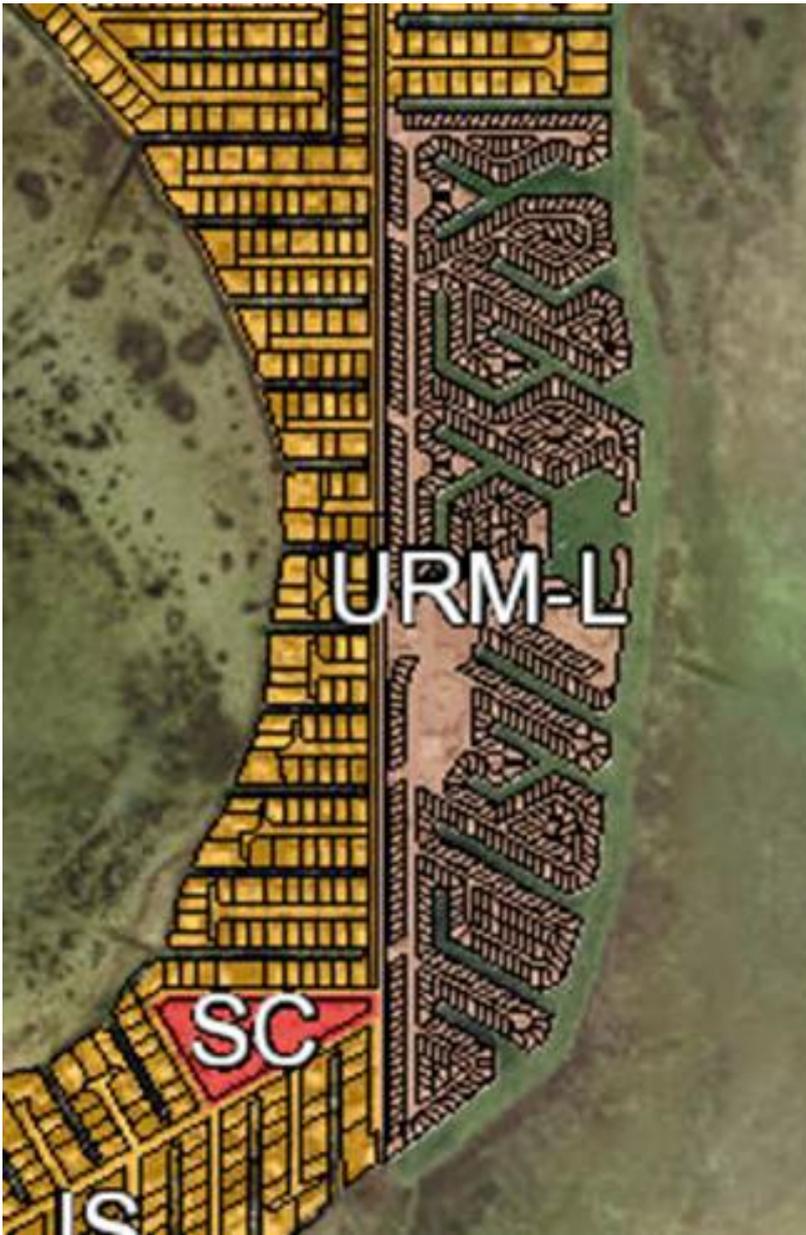
**MONROE COUNTY FLA.**

0 200 400 600 800  
SCALE 1" = 200'

SECTION	TWP	RNG	MAP NO.
23	67 S	26 E	VG 7-396

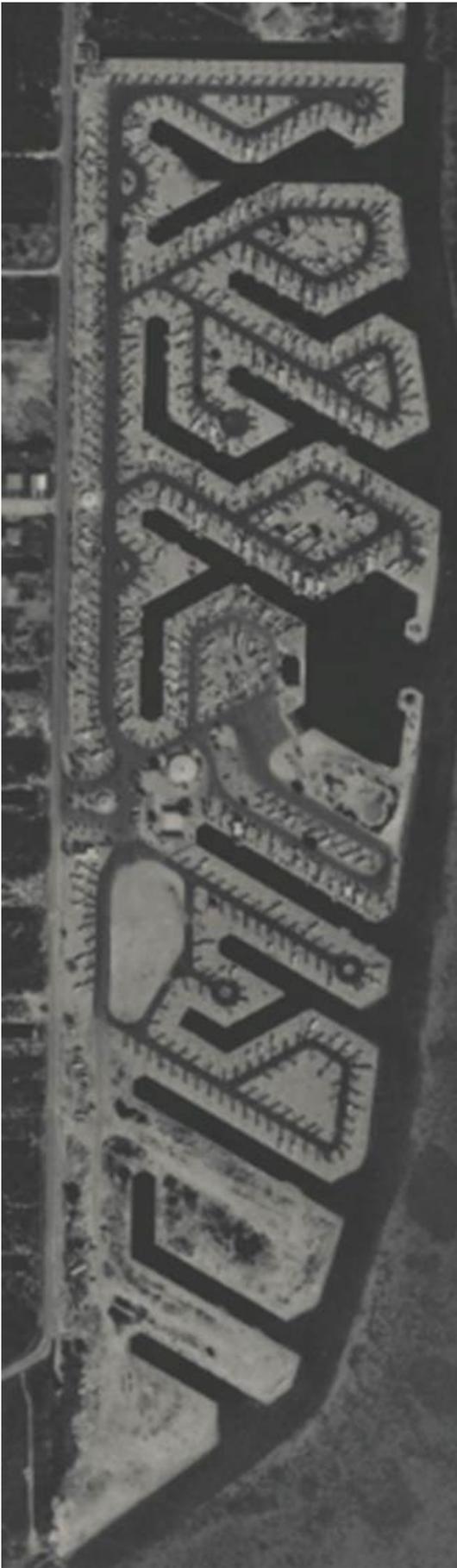
FOR ASSESSMENT PURPOSES ONLY

8. Cudjoe Key (Venture Out – 00188681-000000, etc.)



1975:

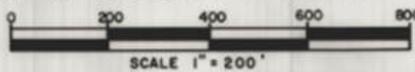
3-4-75



AERIAL PHOTOGRAPHS FURNISHED BY  
DEPARTMENT OF REVENUE  
TALLAHASSEE, FLORIDA

RADER AND ASSOCIATES INC.  
MIAMI, FLORIDA

### MONROE COUNTY FLA.



NORTH

SECTION	TWP	RNG	MAP NO.
34	66S	28E	VG 7-342

FOR ASSESSMENT PURPOSES ONLY

## Staff analysis of elevation requirements of manufactured/mobile homes based on existing Land Development Section 122-4(b)(4)

Based on 44 CFR §60.3(c)(12) and Section 122-4(b)(4)b. of the Land Development Code (LDC), a manufactured/mobile home is allowed to be placed or substantially improved in an existing manufactured/mobile home park or subdivision at an elevation of 36 inches above grade (rather than at base flood elevation), provided that it has not been substantially damaged by flood.

Example 1: Manufactured /mobile home elevated on 36 inch piers (below BFE)



Example 2: Manufactured /mobile home elevated above BFE



Example 3: Manufactured /mobile home elevated on stacked blocks below BFE



For this elevation exception to apply, the LDC includes the additional requirements, including that the lot on which the manufactured/mobile home is to be placed at 36 inches above grade *must be contiguous to and surrounded by manufactured/mobile homes that are also not elevated to base flood elevation.* [LDC Section 122-4(b)(4)b.1.]

To qualify for the provision allowing the placement of a mobile home/ manufactured home below base flood elevation, the following must be satisfied:

**Manufactured/mobile homes that meet *all* of the below criteria may be placed on 36” reinforced piers or other foundation elements that are no less than 36 inches in height above the grade at the site.**

**Manufactured/Mobile Homes within A or V zones that meet all of the following criteria:**

1. Unit CANNOT be substantially damaged by a flood (may be substantially damaged by other means), verified by affidavit; and (44 CFR §60.3(c)(6), §60.3(c)(12), §60.3(e)(1), §60.3(e)(8); LDC §122-4(b)(4)b.)
  - *This will include a site specific analysis when a property is proposed for replacement or a substantial improvement within the eight (8) existing manufactured/mobile home parks included within this analysis. Reviewed during permitting.*
  - *This criterion is not included in the current analysis.*
2. Unit is within a URM-L Zoning District; and (LDC §130-53)
  - *The eight (8) existing manufactured/mobile home parks included within this analysis are designated URM-L*
3. Unit is within a manufactured/mobile home park or subdivision with facilities constructed before 1/1/1975; and (44 CFR §60.3(c)(6), §§60.3(c)(12), 60.3(e)(1), §60.3(e)(8); LDC §122-4(b)(4)b.)
  - *The eight (8) existing manufactured/mobile home parks were established prior to 1/1/1975 (see exhibit 4).*

4. Unit is on a lot contiguous to and surrounded by manufactured and mobile homes that are also not elevated to base flood elevation. LDC §122-4(b)(4)b.)
- *The following analysis includes a review of aerial imagery, available planning approvals and building permit data and field reviews of the eight (8) existing manufactured/mobile home parks to determine if a unit meets the criteria.*

Specifically, for criteria 4 requiring that the manufactured/mobile home must be contiguous to and surrounded by manufactured/mobile homes that are also not elevated to base flood elevation, this analysis assumed the following:

- The manufactured/mobile home cannot be contiguous to/surrounded by a manufactured/ mobile home elevated at or above base flood elevation
- The manufactured/mobile home cannot be contiguous to/surrounded by a vacant parcel.
- The manufactured/mobile home cannot be contiguous to/surrounded by a recreational vehicle.
- The manufactured/mobile home cannot be contiguous to/surrounded by another type of structure (site-built single family home, commercial structure, recreational facility, etc.).
- The manufactured/mobile home must be surrounded by manufactured/ mobile homes not elevated to base flood elevation.

The LDC defines *contiguous* as parcels of land sharing of a common border at more than a single point of intersection. Contiguity is not interrupted by utility easements.

The LDC defines the related term *adjacent parcel* as a parcel of land sharing a boundary with another parcel of land at one or more points of intersection. For purposes of this Land Development Code, an intervening road, right-of-way or easement shall not eliminate nor destroy the adjacency of the two parcels, except for U.S. 1.

The LDC does not define the term *surrounded* but the dictionary provides the following: *to enclose on all sides; encompass; something that surrounds, as the area, border, etc., around an object or central space; to extend on all sides of simultaneously; to form an enclosure round; encircle.*

Based on these definitions, staff review assumed internal manufactured/mobile home park access ways do not interrupt contiguity (access means internal ingress or egress to a parcel of land). Properties across canals were not considered contiguous.

Exhibit 7 provides the County's analysis of the manufactured/mobile home regulations and a checklist for manufactured/mobile home replacement to review the criteria provided above.

**REVIEW OF AERIAL IMAGERY, DEPARTMENT DATA AND FIELD VISIT DATA OF EIGHT (8) EXISTING MOBILE HOMES/ MANUFACTURED HOME PARKS DESIGNATED URM-L:**

The following pages provides the staff analysis, based on best readily available data (including floodplain staff field visits conducted in June 2019) and aerials, related to criteria 4 which requires that the manufactured/mobile home must be *contiguous to and surrounded by* manufactured/mobile homes that are also not elevated to base flood elevation (BFE).

*NOTE: This analysis is not intended for the recognition of development rights or to identify permitted or unpermitted work, and should not be used nor relied upon for these items. This analysis is being completed to provide information for potential policy determinations to reduce risk related to elevation requirement for certain existing manufactured/mobile home parks designated URM-L*

*The rest of this page is intentionally left blank.*

**1. Stock Island (Sunset Harbor - NHC-FL136 LLC - 00126550-000000)**  
**2007 Letter of Development Rights Determination recognized 85 residential dwelling units.**



**Yellow** = MH on grade/below BFE

**Green** = MH at or above BFE

**Blue** = not a manufactured /mobile home

**Red** = VACANT

**+** = a MH not contiguous to and surrounded by manufactured/mobile homes that are also not elevated to BFE and that would need to elevate to BFE (+1ft) when replaced or substantially improved under current Monroe County code.

Current Parcels: NHC-FL136 LLC

RE Number: 00126550-000000

Owner Name: NHC-FL136 LLC

AK Number: 1160776

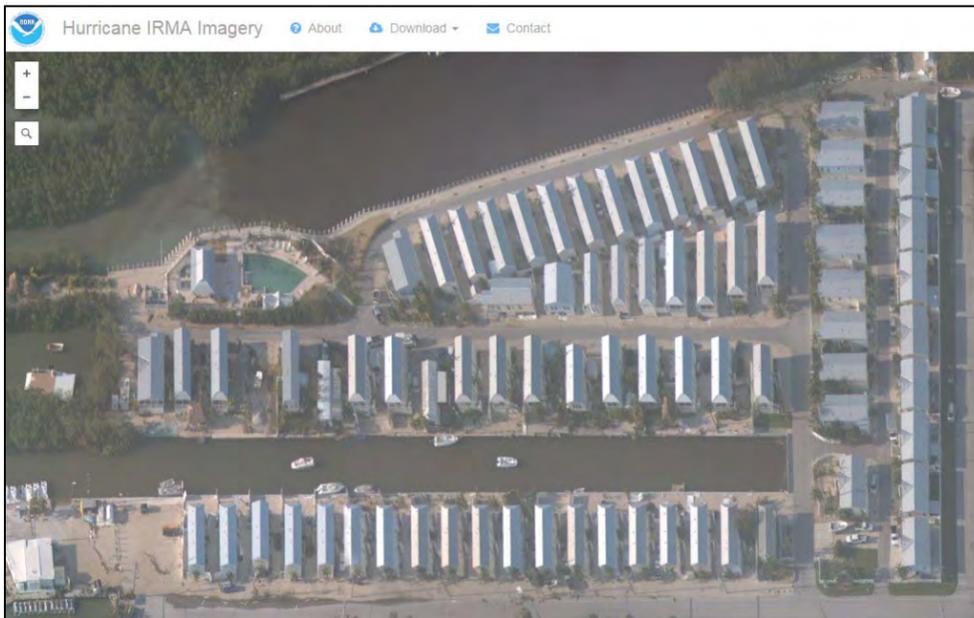
Physical Location: 5031 5TH Ave Unit 1-79, STOCK ISLAND

Mailing Address: 27777 Franklin Rd  
 City: Southfield  
 State: MI  
 Zip Code: 48034  
 Year Built:

Last Sale Amount: \$100.00

[Zoom to](#)

2018 Aerials



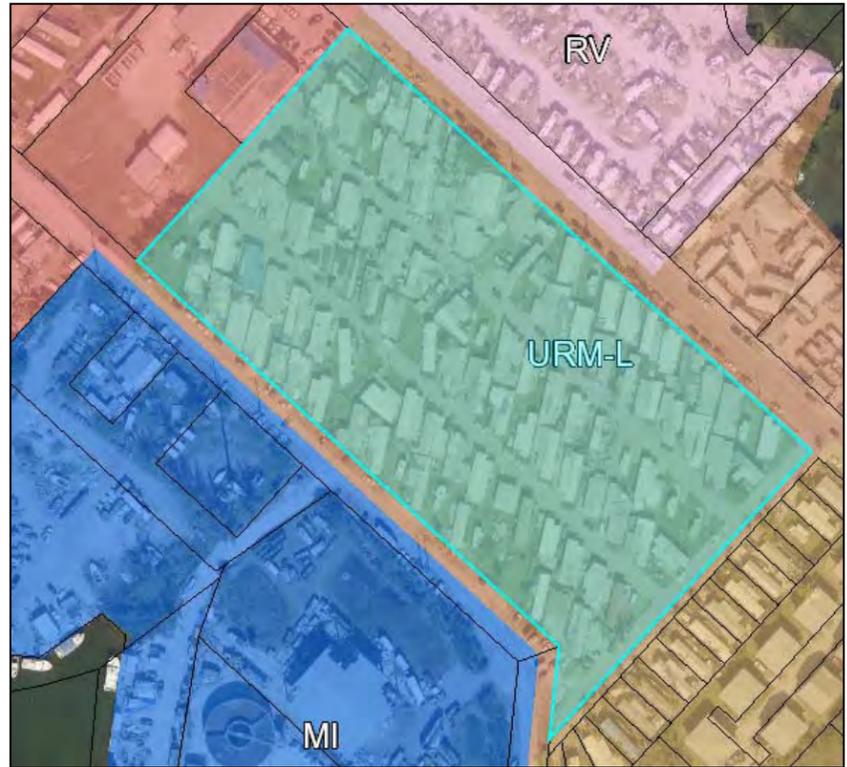
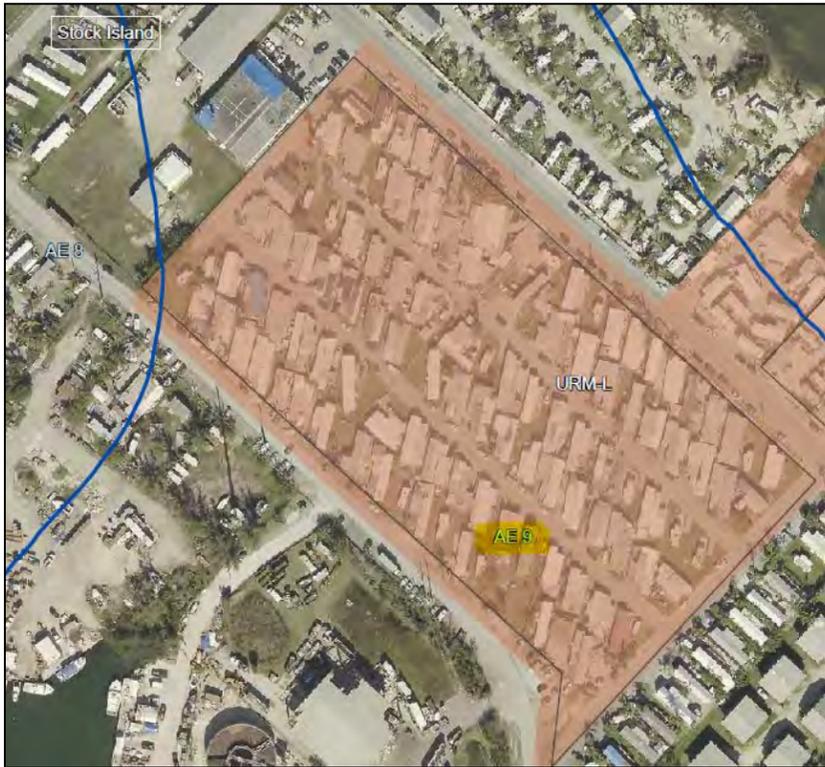
**Note:** As MH are replaced and elevated to BFE under current code, the MH units contiguous to these replaced units will then be subject to elevating to BFE.

Gradually, more MH units will be required to elevate to BFE, even with the current exception.



	Total approximate MH on the property	77
<span style="color: yellow;">■</span>	MH currently on grade/below BFE	2
<span style="color: green;">■</span>	MH currently elevated at or above BFE	75
<span style="color: red;">+</span>	MH that would be subject to elevation requirement based on current code	2
●	MH that would be subject to BFE elevation requirement with a policy change	n/a
<span style="color: cyan;">■</span>	Not a MH structure	n/a
<span style="color: red;">■</span>	Vacant	n/a

**2. Stock Island (Roy's Trailer Park - 00126090-000000)**  
**2008 Letter of Development Rights Determination recognized 108 residential dwelling units.**



**2018 Aerials**

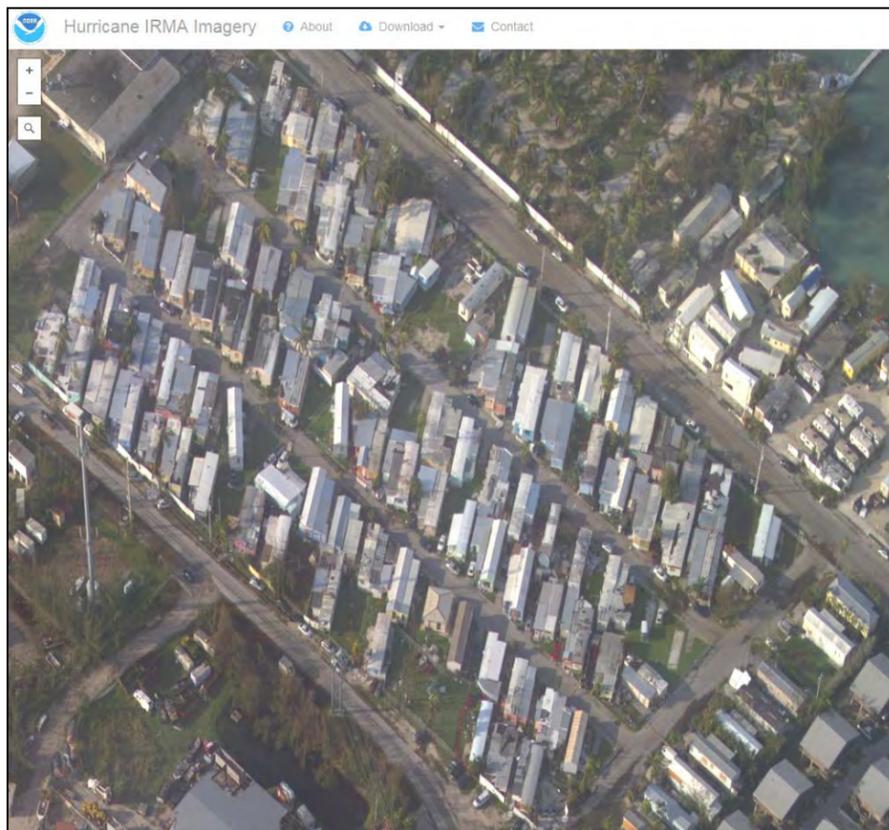
**Legend:**  
 Yellow = MH on grade/below BFE  
 Green = MH at or above BFE  
 Blue = not a manufactured/mobile home  
 Red = VACANT

**Note:** As MH are replaced and elevated to BFE under current code, the MH units contiguous to these replaced units will then be subject to elevating to BFE. Gradually, more MH units will be required to elevate to BFE, even with the current exception.

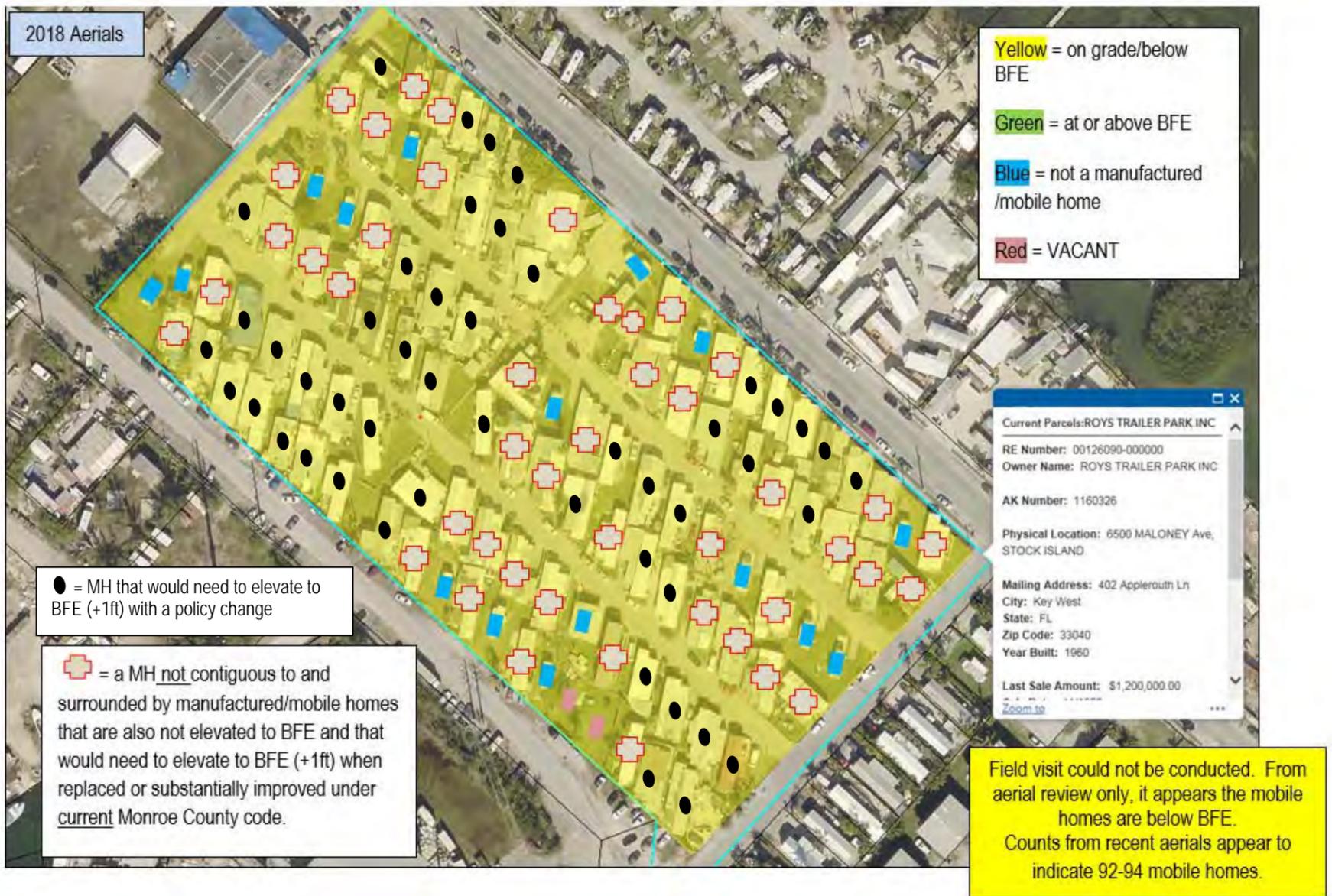
**Parcel Information:**  
 Current Parcels: ROYS TRAILER PARK INC  
 RE Number: 00126090-000000  
 Owner Name: ROYS TRAILER PARK INC  
 AK Number: 1160326  
 Physical Location: 6500 MALONEY Ave, STOCK ISLAND  
 Mailing Address: 402 Applerouth Ln  
 City: Key West  
 State: FL  
 Zip Code: 33040  
 Year Built: 1960  
 Last Sale Amount: \$1,200,000.00

**Field visit could not be conducted. From aerial review only, it appears the mobile homes are below BFE. Counts from recent aerials indicate approx. 92-94 mobile homes.**

**+** = a MH not contiguous to and surrounded by manufactured/mobile homes that are also not elevated to BFE and that would need to elevate to BFE (+1ft) when replaced or substantially improved under current Monroe County code.



Assuming a policy amendment is adopted to remove the exception and require manufactured/mobile homes meet Florida Building Code elevation requirements, the following is an example of the additional properties that will need to elevate to BFE (+1ft) when replaced or substantially improved (see black dots):



	Total approximate MH on the property	~ 93
■	MH currently at grade/below BFE	~93
■	MH currently elevated at or above BFE	n/a
⊕	MH that would be subject to elevation requirement based on current code	45
●	MH that would be subject to BFE elevation requirement with a policy change	48
■	Not a MH structure	16
■	Vacant	2



3. Stock Island (00125740-000000)



**Yellow** = MH on grade/below BFE

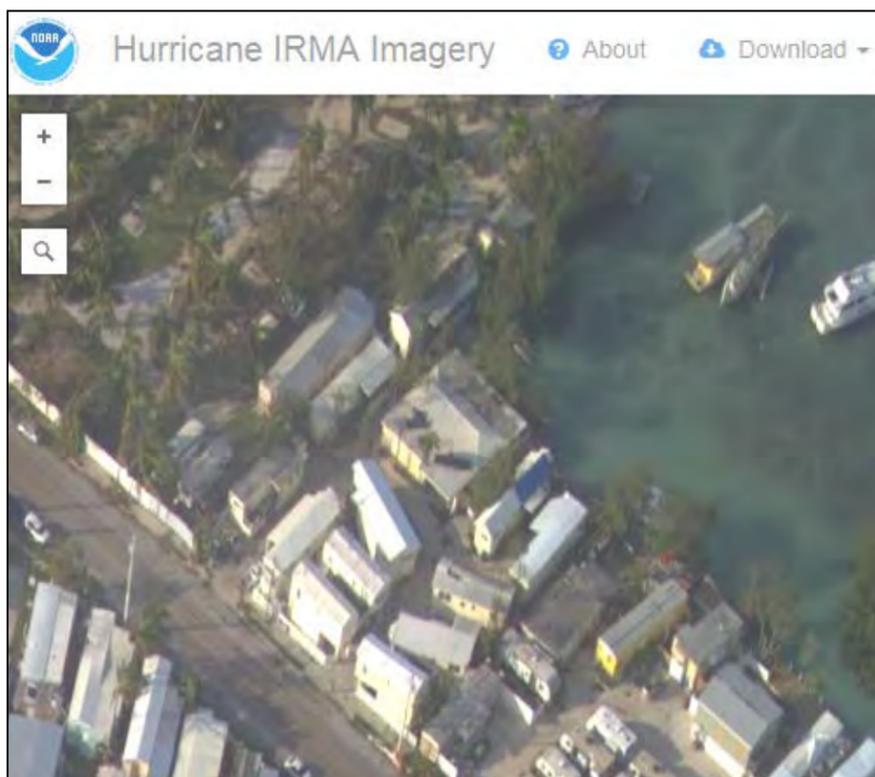
**Green** = MH at or above BFE

**Blue** = not a manufactured /mobile home

**Red** = VACANT

**Note:** As MH are replaced and elevated to BFE under current code, the MH units contiguous to these replaced units will then be subject to elevating to BFE.

Gradually, more MH units will be required to elevate to BFE, even with the current exception.



Assuming a policy amendment is adopted to remove the exception and require manufactured/mobile homes meet Florida Building Code elevation requirements, the following is an example of the additional properties that will need to elevate to BFE (+1ft) when replaced or substantially improved (see black dots):



	Total approximate MH on the property	12
■	MH currently on grade/below BFE	12
■	MH currently elevated at or above BFE	3
✚	MH that would be subject to elevation requirement based on current code	4
●	MH that would be subject to BFE elevation requirement with a policy change	5
■	Not a MH structure	2
■	Vacant	n/a



4. Stock Island (00125750-000000)



2018 Aerials

(1 of 2)

Current Parcels: WATERVIEW ESTATES OF KEY WEST LLC

RE Number: 00125750-000000

Owner Name: WATERVIEW ESTATES OF KEY WEST LLC

AK Number: 1160024

Physical Location: 6529 MALONEY Ave, STOCK ISLAND

Mailing Address: PO Box 4693

City: Key West

State: FL

Zip Code: 33041

Year Built: 1975

[Zoom to](#)

**Yellow** = MH on grade/below BFE

**Green** = MH at or above BFE

**Blue** = not a manufactured /mobile home

**Red** = VACANT

**Note:** As MH are replaced and elevated to BFE under current code, the MH units contiguous to these replaced units will then be subject to elevating to BFE.

Gradually, more MH units will be required to elevate to BFE, even with the current exception.

= a MH not contiguous to and surrounded by manufactured/mobile homes that are also not elevated to BFE and that would need to elevate to BFE (+1ft) when replaced or substantially improved under current Monroe County code.



Assuming a policy amendment is adopted to remove the exception and require manufactured/mobile homes meet Florida Building Code elevation requirements, the following is an example of the additional properties that will need to elevate to BFE (+1ft) when replaced or substantially improved (see black dots):



	Total approximate MH on the property	4
■	MH currently on grade/below BFE	3
■	MH currently elevated at or above BFE	1
+	MH that would be subject to elevation requirement based on current code	3
●	MH that would be subject to BFE elevation requirement with a policy change	n/a
■	Not a MH structure	10
■	Vacant	n/a



5. Stock Island (00132350-000000)



2018 Aerials

Current Parcels: CAYO HUESO INVESTMENTS INC

RE Number: 00132350-000000

Owner Name: CAYO HUESO INVESTMENTS INC

AK Number: 1166821

Physical Location: 6511 MALONEY Ave, STOCK ISLAND

Mailing Address: 6511 Maloney Ave

City: Key West

State: FL

Zip Code: 33040

Year Built: 1964

[Zoom to](#)

+ = a MH not contiguous to and surrounded by manufactured/mobile homes that are also not elevated to BFE and that would need to elevate to BFE (+1ft) when replaced or substantially improved under current Monroe County code.

**Yellow** = MH on grade/below BFE

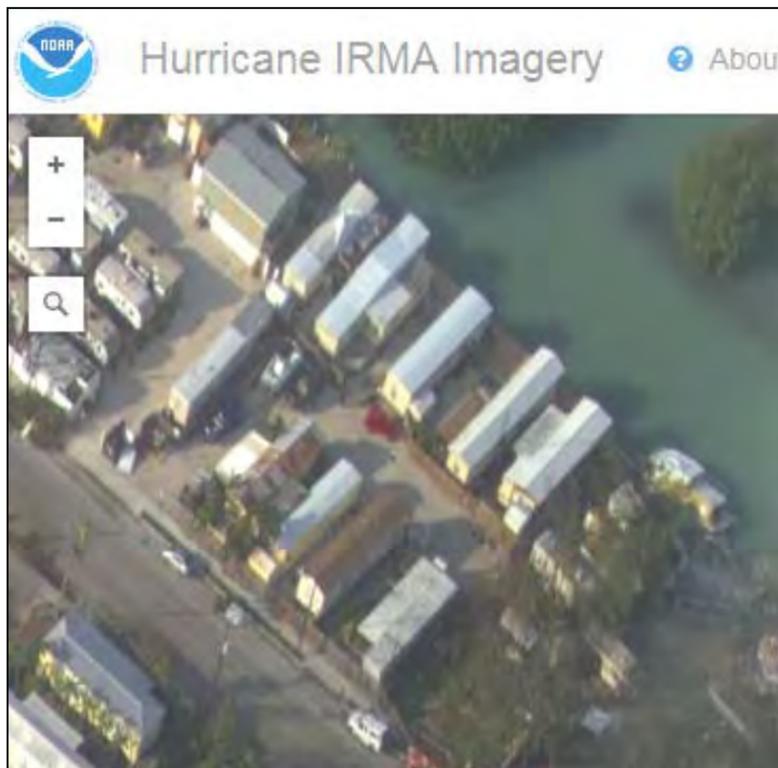
**Green** = MH at or above BFE

**Blue** = not a manufactured /mobile home

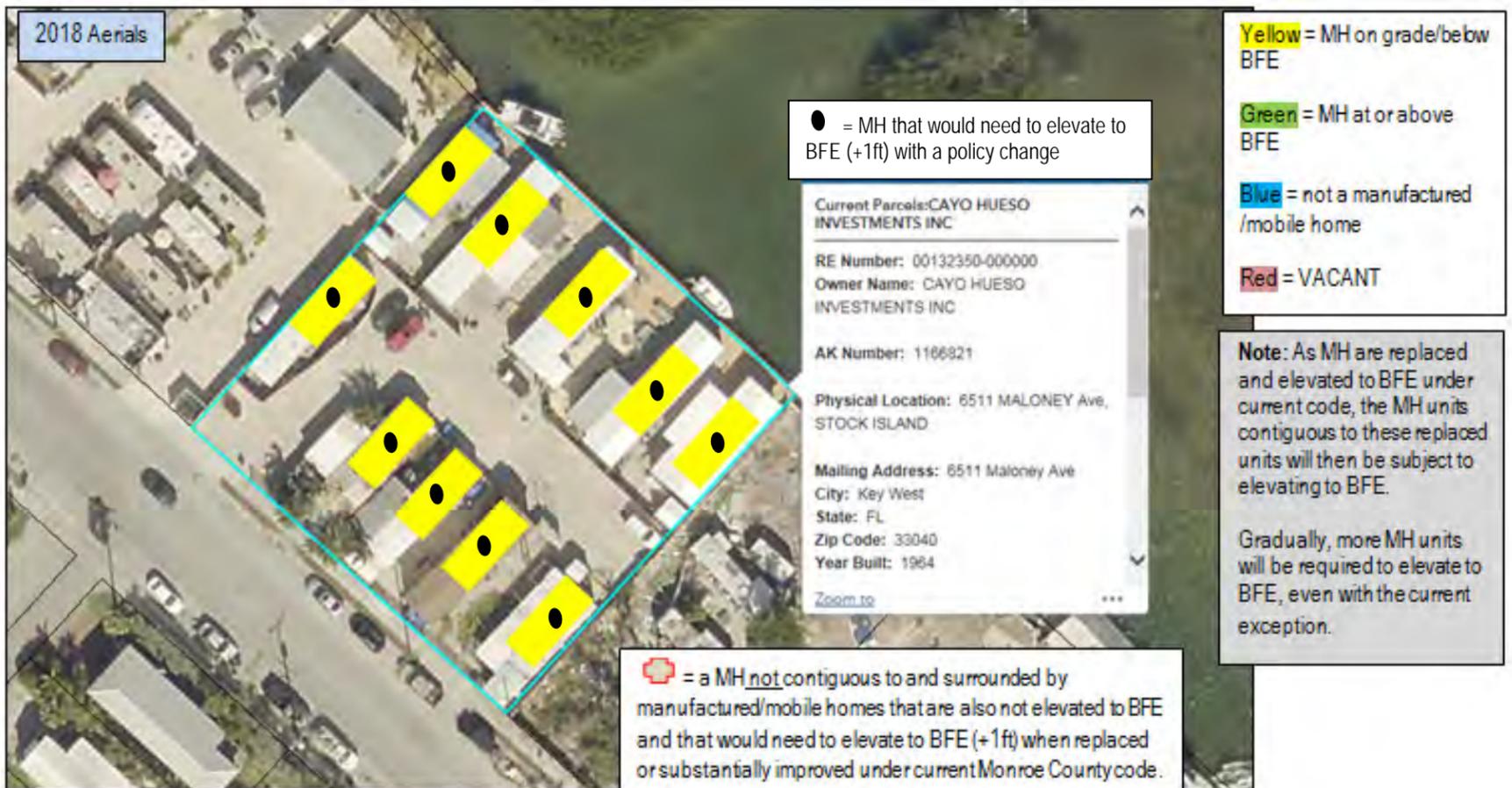
**Red** = VACANT

**Note:** As MH are replaced and elevated to BFE under current code, the MH units contiguous to these replaced units will then be subject to elevating to BFE.

Gradually, more MH units will be required to elevate to BFE, even with the current exception.



Assuming a policy amendment is adopted to remove the exception and require manufactured/mobile homes meet Florida Building Code elevation requirements, the following is an example of the additional properties that will need to elevate to BFE (+1ft) when replaced or substantially improved (see black dots):



	Total approximate MH on the property	10
■	MH currently on grade/below BFE	10
■	MH currently elevated at or above BFE	n/a
+	MH that would be subject to elevation requirement based on current code	0
●	MH that would be subject to BFE elevation requirement with a policy change	10
■	Not a MH structure	n/a
■	Vacant	n/a



6. Stock Island (00125770-000000)



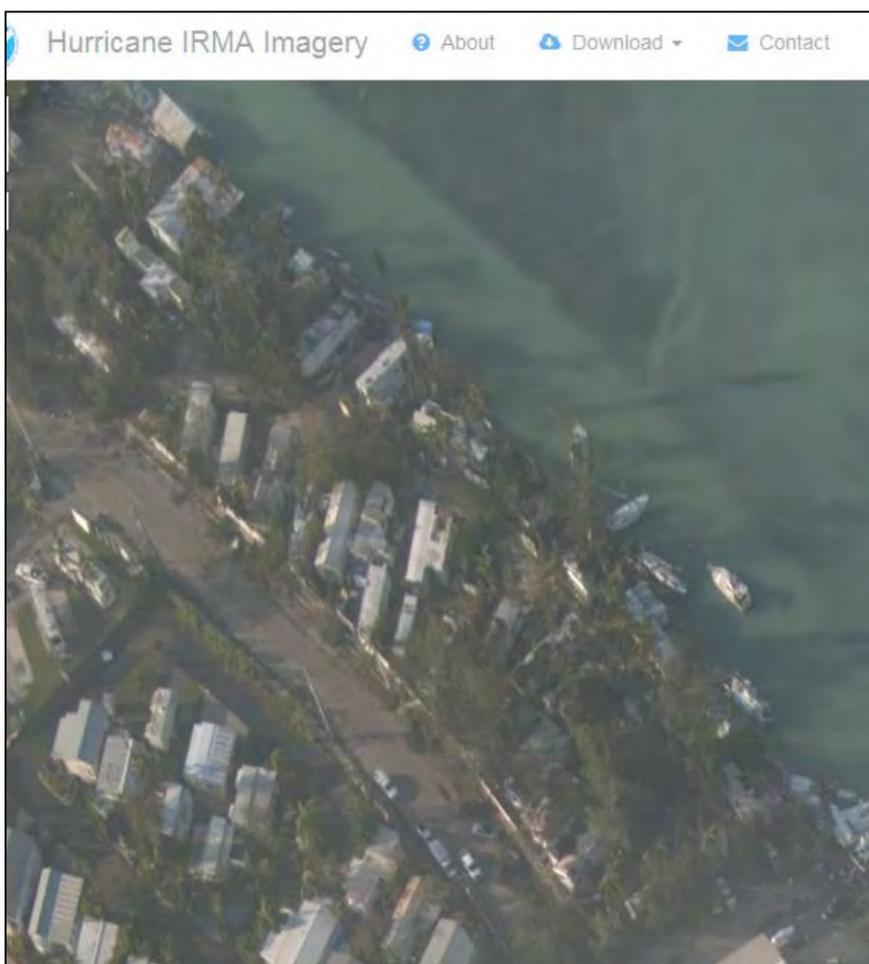
2018 Aerials

**Yellow** = MH on grade/below BFE  
**Green** = MH at or above BFE  
**Blue** = not a manufactured /mobile home  
**Red** = VACANT

**Note:** As MH are replaced and elevated to BFE under current code, the MH units contiguous to these replaced units will then be subject to elevating to BFE.  
 Gradually, more MH units will be required to elevate to BFE, even with the current exception.

**Current Parcels:** TOWNSEND RAIN K  
**RE Number:** 00125770-000000  
**Owner Name:** TOWNSEND RAIN K  
**AK Number:** 1160041  
**Physical Location:** 6621 MALONEY Ave, STOCK ISLAND  
**Mailing Address:** PO Box 5929  
**City:** Key West  
**State:** FL  
**Zip Code:** 33045  
**Year Built:** 1943

**+** = a MH not contiguous to and surrounded by manufactured/mobile homes that are also not elevated to BFE and that would need to elevate to BFE (+1ft) when replaced or substantially improved under current Monroe County code.



Assuming a policy amendment is adopted to remove the exception and require manufactured/mobile homes meet Florida Building Code elevation requirements, the following is an example of the additional properties that will need to elevate to BFE (+1ft) when replaced or substantially improved (see black dots):

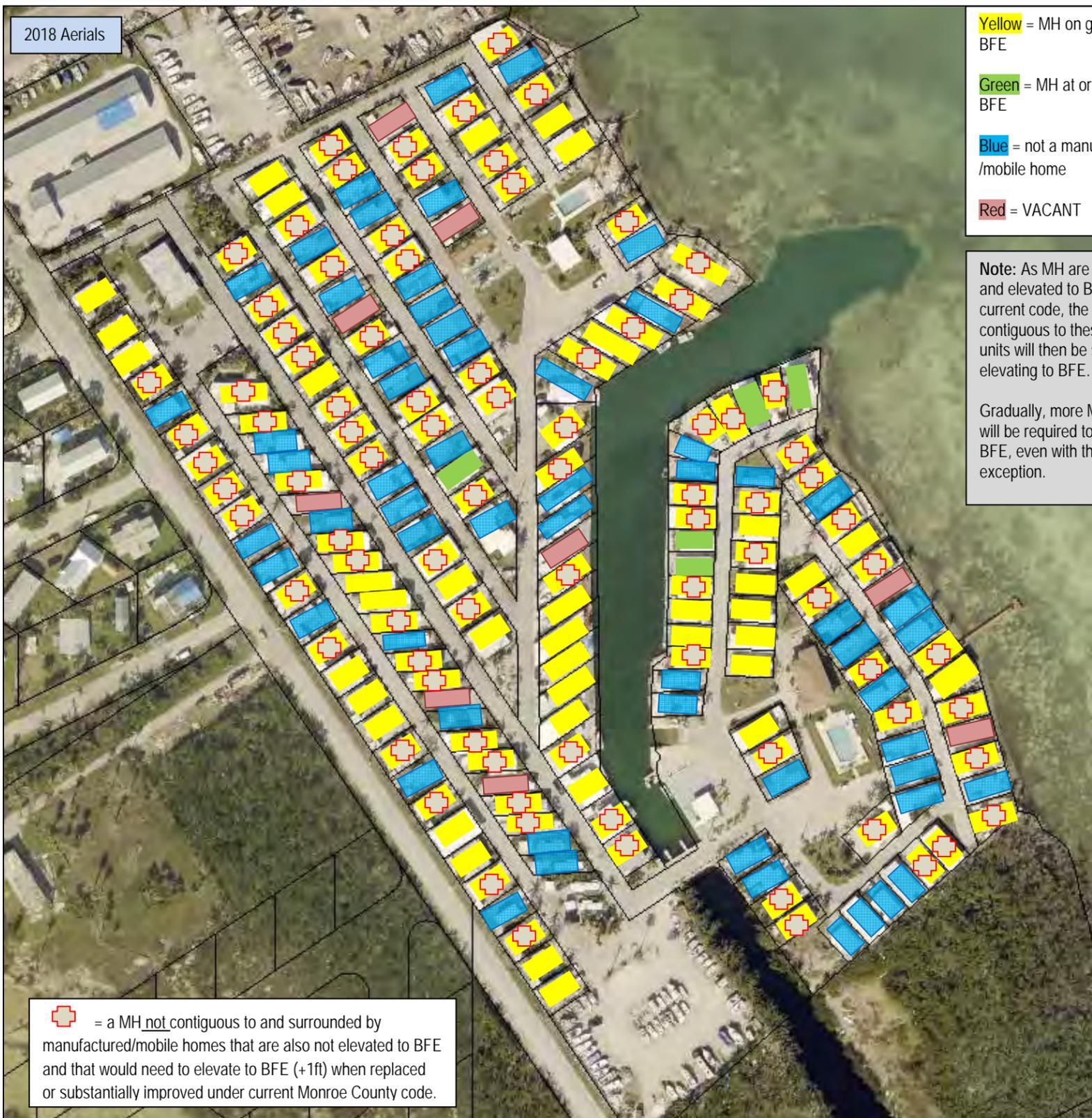
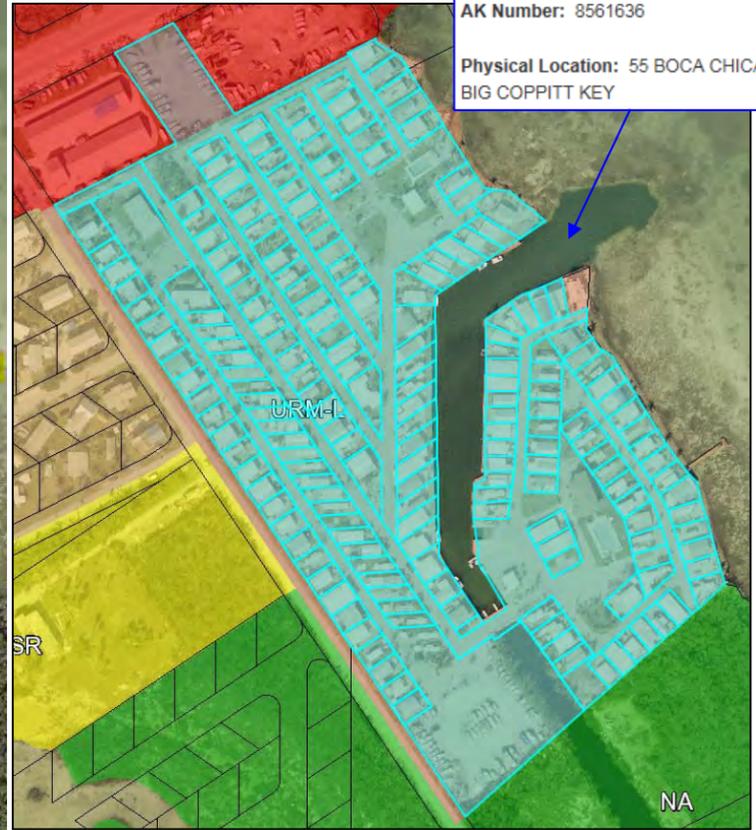


	Total approximate MH on the property	24
■	MH currently on grade/below BFE	24
■	MH currently elevated at or above BFE	n/a
⊕	MH that would be subject to elevation requirement based on current code	14
●	MH that would be subject to BFE elevation requirement with a policy change	10
■	Not a MH structure	4
■	Vacant	6



7. Big Coppitt (Seaside Resort 00121761-000000+, 00121762-000100+)

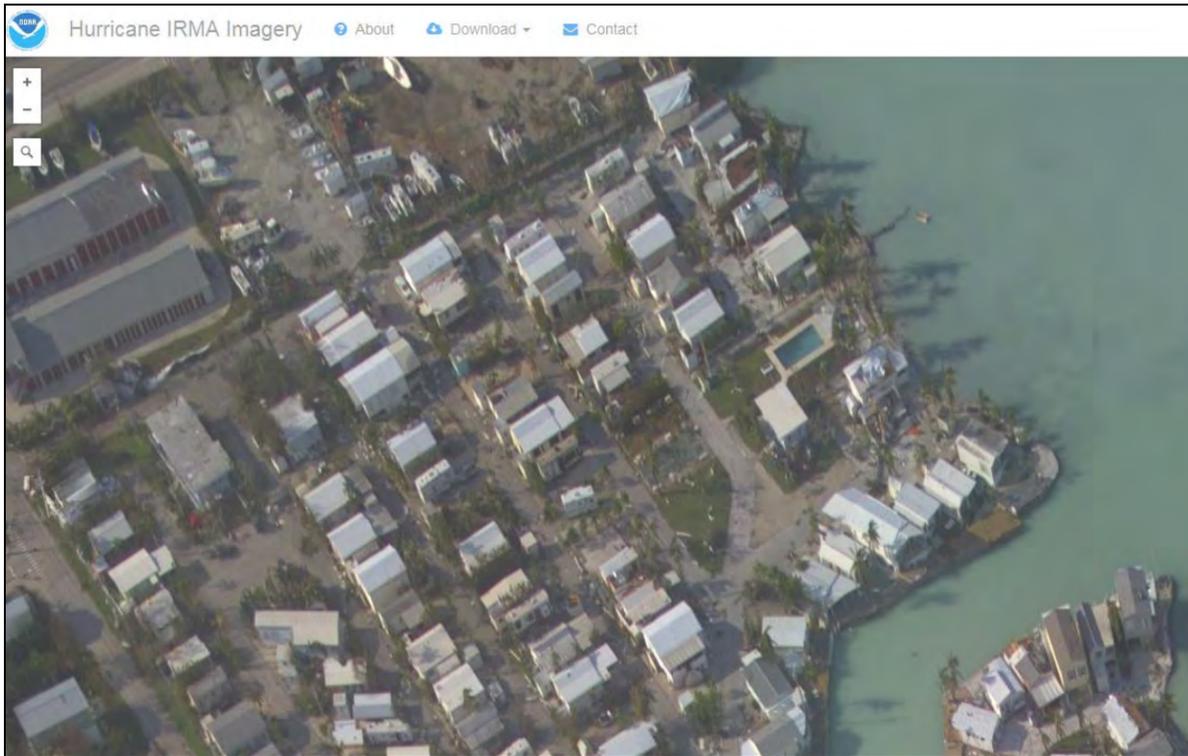
Current Parcels: SEASIDE RESORT INC A CONDOMINIUM PHASE I  
 RE Number: 00121761-000000  
 Owner Name: SEASIDE RESORT INC A CONDOMINIUM PHASE I  
 AK Number: 8561636  
 Physical Location: 55 BOCA CHICA Rd, BIG COPPITT KEY



**Yellow** = MH on grade/below BFE  
**Green** = MH at or above BFE  
**Blue** = not a manufactured /mobile home  
**Red** = VACANT

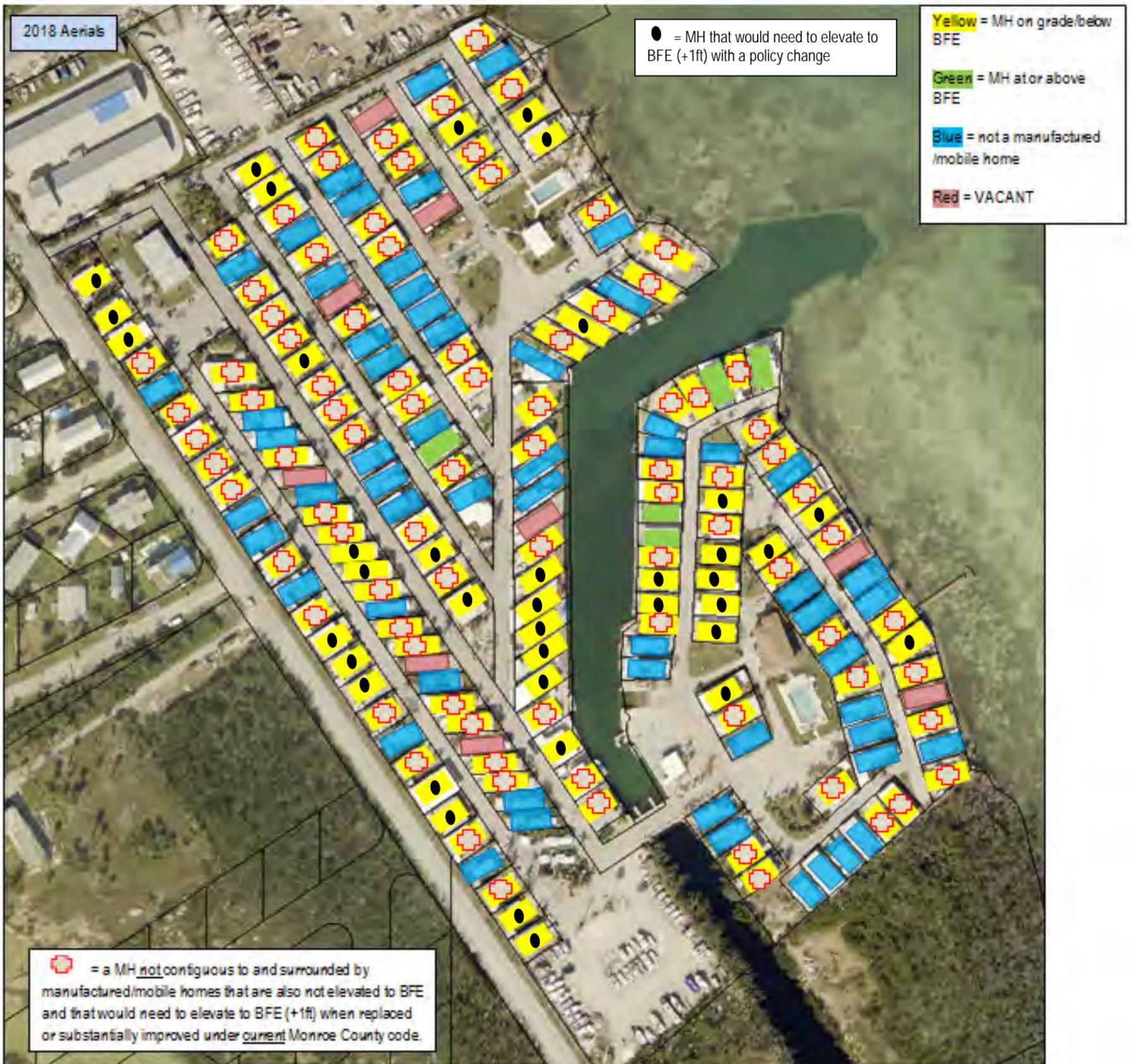
**Note:** As MH are replaced and elevated to BFE under current code, the MH units contiguous to these replaced units will then be subject to elevating to BFE.  
 Gradually, more MH units will be required to elevate to BFE, even with the current exception.

 = a MH not contiguous to and surrounded by manufactured/mobile homes that are also not elevated to BFE and that would need to elevate to BFE (+1ft) when replaced or substantially improved under current Monroe County code.



Assuming a policy amendment is adopted to remove the exception and require manufactured/mobile homes meet Florida Building Code elevation requirements, the following is an example of the additional properties that will need to elevate to BFE (+1ft) when replaced or substantially improved (see black dots):

This analysis is not intended for the recognition of development rights or to identify permitted or unpermitted work, and should not be used nor relied upon for these items. This analysis is being completed to provide information for potential policy determinations to reduce risk related to elevation requirement for certain existing manufactured/mobile home parks designated URM-L.

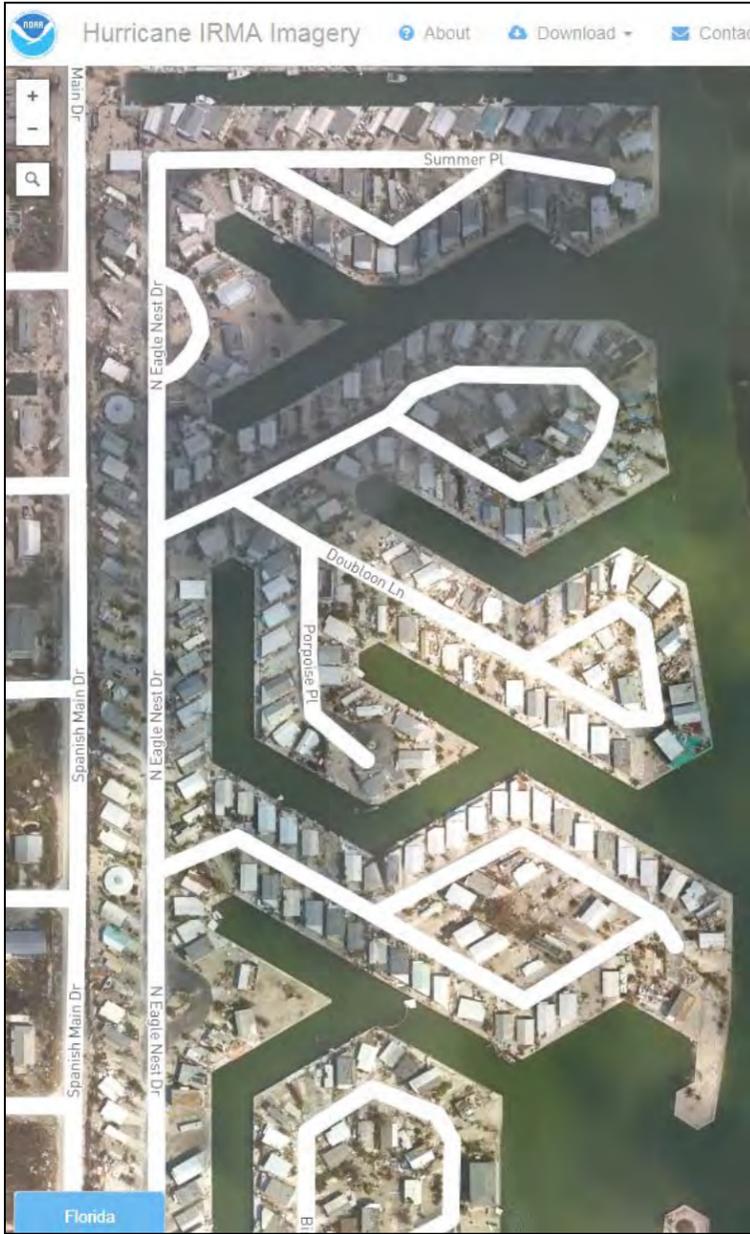


	Total approximate MH on the property	131
■	MH currently on grade/below BFE	126
■	MH currently elevated at or above BFE	5
⊕	MH that would be subject to elevation requirement based on current code	88
●	MH that would be subject to BFE elevation requirement with a policy change	38
■	Not a MH structure	59
■	Vacant	9

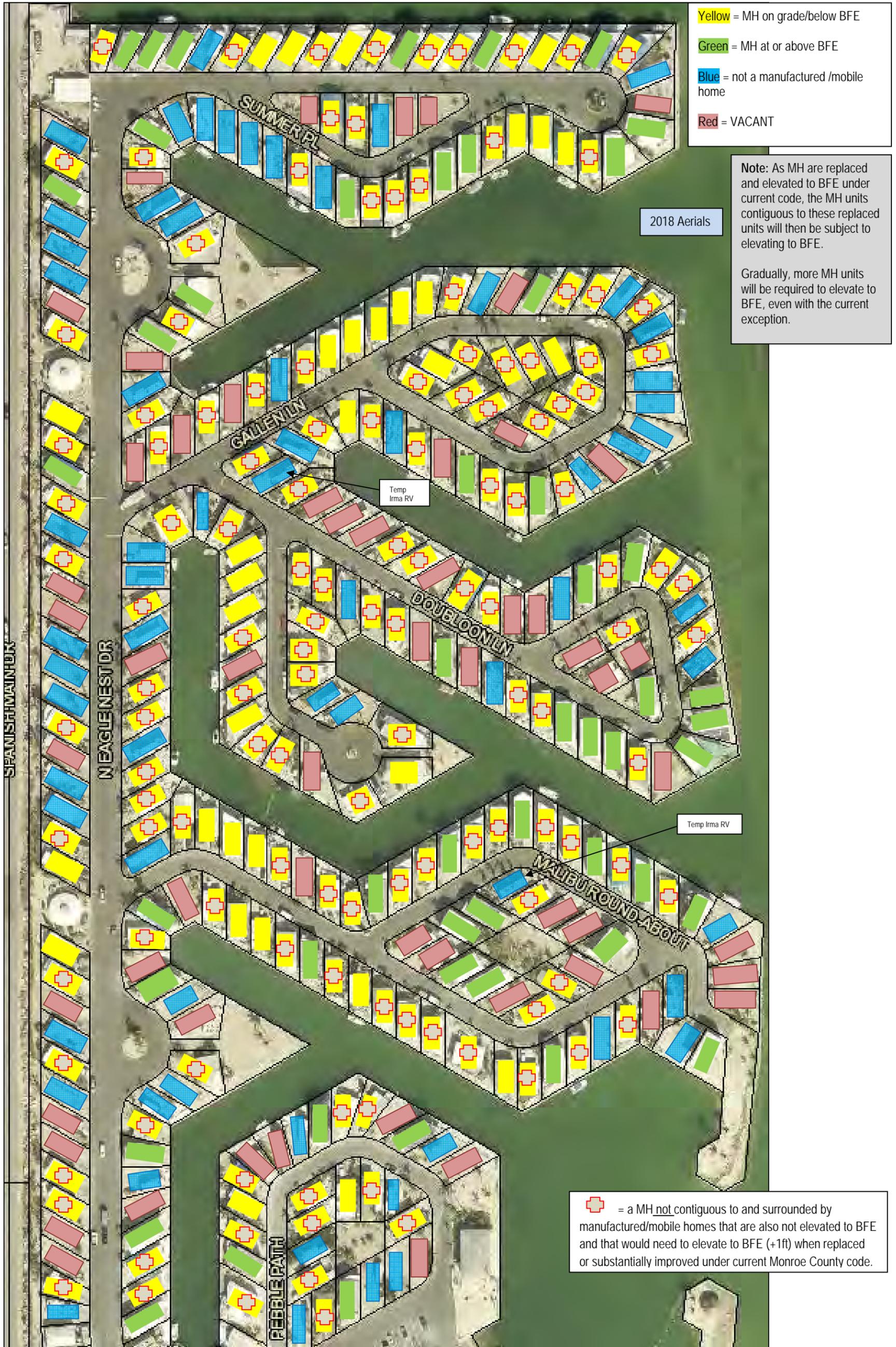


This analysis is not intended for the recognition of development rights or to identify permitted or unpermitted work, and should not be used nor relied upon for these items. This analysis is being completed to provide information for potential policy determinations to reduce risk related to elevation requirement for certain existing manufactured/mobile home parks designated URM-L.

8. Cudjoe Key (Venture Out – 00188681-000000, etc.)



This analysis is not intended for the recognition of development rights or to identify permitted or unpermitted work, and should not be used nor relied upon for these items. This analysis is being completed to provide information for potential policy determinations to reduce risk related to elevation requirement for certain existing manufactured/mobile home parks designated URM-L.





- Yellow = MH on grade/below BFE
- Green = MH at or above BFE
- Blue = not a manufactured /mobile home
- Red = VACANT

**Note:** As MH are replaced and elevated to BFE under current code, the MH units contiguous to these replaced units will then be subject to elevating to BFE.

Gradually, more MH units will be required to elevate to BFE, even with the current exception.

+ = a MH not contiguous to and surrounded by manufactured/mobile homes that are also not elevated to BFE and that would need to elevate to BFE (+1ft) when replaced or substantially improved under current Monroe County code.



2018 Aerials

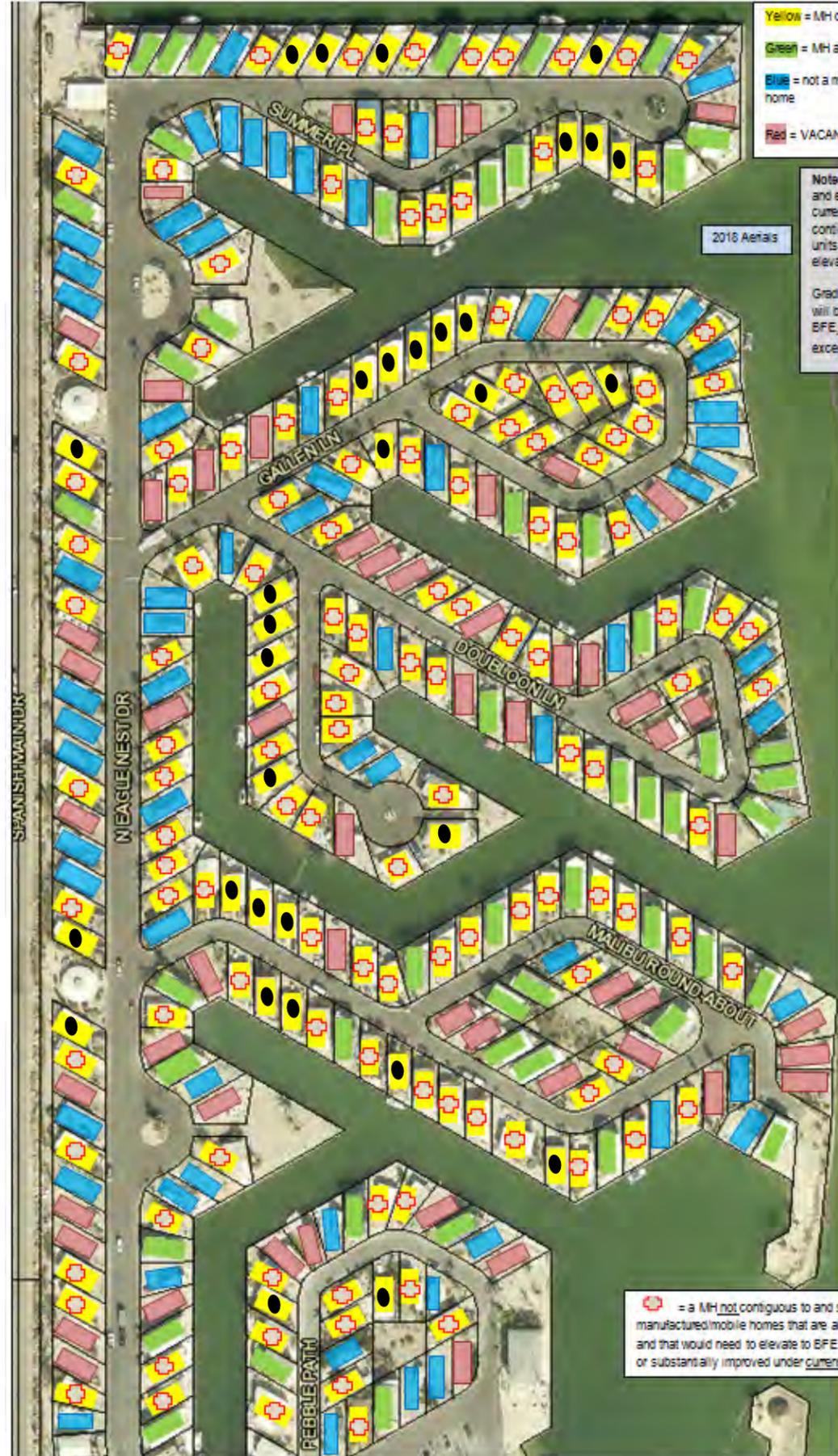
- Yellow** = MH on grade/below BFE
- Green** = MH at or above BFE
- Blue** = not a manufactured /mobile home
- Red** = VACANT

**Note:** As MH are replaced and elevated to BFE under current code, the MH units contiguous to these replaced units will then be subject to elevating to BFE.

Gradually, more MH units will be required to elevate to BFE, even with the current exception.

 = a MH not contiguous to and surrounded by manufactured/mobile homes that are also not elevated to BFE and that would need to elevate to BFE (+1ft) when replaced or substantially improved under current Monroe County code.

Assuming a policy amendment is adopted to remove the exception and require manufactured/mobile homes meet Florida Building Code elevation requirements, the following is an example of the additional properties that will need to elevate to BFE (+1ft) when replaced or substantially improved (see black dots):



2018 Aerials

- Yellow** = MH on grade/below BFE
- Green** = MH at or above BFE
- Blue** = not a manufactured /mobile home
- Red** = VACANT

**Note:** As MH are replaced and elevated to BFE under current code, the MH units contiguous to these replaced units will then be subject to elevating to BFE.

Gradually, more MH units will be required to elevate to BFE, even with the current exception.

 = MH that would need to elevate to BFE (+1ft) with a policy change

 = a MH not contiguous to and surrounded by manufactured/mobile homes that are also not elevated to BFE and that would need to elevate to BFE (+1ft) when replaced or substantially improved under current Monroe County code.

This analysis is not intended for the recognition of development rights or to identify permitted or unpermitted work, and should not be used nor relied upon for these items. This analysis is being completed to provide information for potential policy determinations to reduce risk related to elevation requirement for certain existing manufactured/mobile home parks designated URM-L.



● = MH that would need to elevate to BFE (+1ft) with a policy change



**Venture Out:**

	Total approximate MH on the property	424
■	MH currently on grade/below BFE	289
■	MH currently elevated at or above BFE	135
+	MH that would be subject to elevation requirement based on current code	248
●	MH that would be subject to BFE elevation requirement with a policy change	41
■	Not a MH structure	116
■	Vacant	116



This analysis is not intended for the recognition of development rights or to identify permitted or unpermitted work, and should not be used nor relied upon for these items. This analysis is being completed to provide information for potential policy determinations to reduce risk related to elevation requirement for certain existing manufactured/mobile home parks designated URM-L.

# County of Monroe

**Planning & Environmental Resources  
Department**

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Marathon, FL 33050  
Voice: (305) 289-2500  
FAX: (305) 289-2536



**Board of County Commissioners**

Mayor David Rice, District 4  
Mayor Pro Tem Sylvia J. Murphy, District 5  
Danny L. Kolhage, District 1  
George Neugent, District 2  
Heather Carruthers, District 3

*We strive to be caring, professional, and fair.*

To: Monroe County Planning & Environmental Resources Department, Monroe County Building  
Department, & Construction Industry Members

From: Emily Schemper, AICP, CFM, Assistant Director of Planning

Date: November 18, 2017

Subject: Manufactured and Mobile Home Land Development Regulation Analysis

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The following is an analysis of the Land Development Regulations related to the replacement and substantial improvement of manufactured and mobile homes, based on both the current adopted Monroe County Land Development Code and Title 44 of the Code of Federal Regulations (44 C.F.R.).

A summary of the analysis is provided on page 2, followed by analysis and references to the relevant sections of the Monroe County Land Development Code (LDC) and Title 44 of the Code of Federal Regulations (44 C.F.R.).

Please note that this document primarily addresses zoning district and floodplain elevation requirements for the repair and/or replacement of manufactured and mobile homes. Any manufactured and mobile homes replaced or repaired are subject to all other requirements of the Code of Federal Regulations, the Florida Building Code, and the Monroe County Land Development Code and Floodplain Regulations.

## SUMMARY - Manufactured and Mobile Home Land Development Regulation Analysis

### ZONING

Manufactured and Mobile Homes damaged or destroyed (by flood or any other means), so as to require substantial improvement, which are **not located within a URM, URM-L, CFA, CFV, or CFSD Zoning District**, and are **not located within a Community Center Overlay District**:

**MAY NOT BE REPAIRED OR REPLACED WITH MANUFACTURED AND MOBILE HOMES**

(LDC §102-56(f))

### FLOOD ELEVATION

#### MAY ELEVATE ON 36" REINFORCED PIERS

**Manufactured and Mobile Homes within A or V zones that meet all of the following criteria:**

1. **NOT** substantially damaged by a flood (may be substantially damaged by other means), verified by affidavit; and (44 CFR §60.3(e)(1), §60.3(e)(8), §60.3(c)(12); LDC §122-4(b)(4)b.)
2. Within a URM-L Zoning District; and (LDC §130-53)
3. Within a Manufactured and Mobile Home Park or Subdivision with facilities constructed before 1/1/1975; and (44 CFR §60.3(e)(1), §60.3(e)(8), §60.3(c)(12); LDC §122-4(b)(4)b.)
4. On a lot contiguous to and surrounded by manufactured and mobile homes that are also not elevated to base flood elevation. (LDC §122-4(b)(4)b.)

**Manufactured and mobile homes that meet all of the above criteria**

**may be placed on 36" reinforced piers.**

#### MUST ELEVATE TO BASE FLOOD ELEVATION

**All other Manufactured and Mobile Homes within A or V zones, which are substantially damaged by a flood or other means, and do not meet the criteria above for 36" reinforced piers:**

**A Zones:** Must elevate finished floor to or above Base Flood Elevation (BFE).

(44 CFR §60.3(e)(1), §60.3(c)(6))

**V Zones:** Must elevate bottom of beam (lowest horizontal structural member) to or above BFE.

(44 CFR §60.3(e)(8), §60.3(e)(4); LDC §122-4(b)(1)a.)

**A. Monroe County Comprehensive Plan and Land Development Code – Land Use District (Zoning) Regulations**

Chapter 130, Article III. of the Monroe County Land Development Code (LDC) specifies the permitted uses for each Land Use (Zoning) District in the County. “Mobile Home” is a defined use in the LDC (Section 101-1), and is listed as a permitted use in only five Zoning districts within the County: URM; URM-L; CFSD-13; CFSD-16; and CFSD-20 if existing as of 7/18/1995. Any mobile and manufactured homes existing in another Zoning district are considered to be a “nonconforming use,” as defined in LDC Section 101-1.

As Nonconforming Uses, such mobile and manufactured homes are subject to the regulations of LDC Chapter 102, Article III, regarding Nonconformities. Per Section 102-56(f)(2), *if a structure in which a nonconforming use is located is damaged or destroyed so as to require substantial improvement, then the structure may be repaired or restored only for uses that conform to the provisions of the land use (zoning) district in which it is located.* However, per Section 102-56(f)(3), *in the CFA, CFV, and CFSD land use (zoning) districts and the CC overlay districts identified in Section 130-132 through Section 130-140, nonconforming uses lawfully existing as of September 15, 1986, may be rebuilt even if 100 percent destroyed, provided that they are rebuilt to preexisting use, building footprint and configuration without increase in density or intensity of use identified in Section 130-157 and registered in accordance with section 102-55. Development shall be brought into compliance to the maximum extent practicable, as determined by the Planning Director.*

The “CC overlay districts” (Community Centers) referenced above include the following:

- Sec. 130-132. Key Largo Tradewinds Community Center Overlay (TCC)
- Sec. 130-133. Key Largo Downtown Community Center Overlay (DTCC)
- Sec. 130-134. Key Largo Welcome Center Community Center Overlay (WCCC)
- Sec. 130-135. Big Pine Key Commercial Community Center overlay (BPCCC)
- Sec. 130-136. Reserved for the Lower Sugarloaf Community Center overlay (LSCC)
- Sec. 130-137. Reserved for the Cudjoe Community Center overlay (CCC)
- Sec. 130-138. Reserved for the Summerland Community Center overlay (SCC)
- Sec. 130-139. Reserved for the Ramrod Community Center overlay (RCC)
- Sec. 130-140. Reserved for the Safe Harbor Community Center overlay (SHCC)

Additionally, Policy 101.9.5 of the Monroe County Year 2030 Comprehensive Plan states that *existing manufactured homes which are damaged or destroyed so as to require substantial improvement shall be required to meet the most recent HUD standards, and the floodplain management standards set forth by FEMA.*

**Any mobile and manufactured homes damaged or destroyed (either by flood or other means) so as to require substantial improvement, that are not located within a URM, URM-L, CFSD-13, CFSD-16, or CFSD-20 (existing as of 7/18/1995) Zoning district, may not be repaired or**

replaced with mobile and manufactured homes, unless they were lawfully existing mobile and manufactured homes as of September 15, 1986 and are in a CFA, CFV, CFSD, or Community Center Overlay District, in which case they may be rebuilt to the preexisting use, building footprint, and configuration, without an increase in density, and in compliance with all other requirements of the Code of Federal Regulations, the Florida Building Code, and the Monroe County Land Development Code and Floodplain Regulations. All others must be replaced with another use that is listed as permitted within its Zoning district (each Zoning district's permitted uses are listed in LDC Chapter 130, Article III.).

### **Monroe County Land Development Code References:**

#### **Section 101-1 Definitions.**

*Mobile home* means a structure transportable in one or more sections which structure is eight body feet or more in width and over 35 feet in length, which structure is built on an integral chassis and designed to be used as a dwelling when connected to the required utilities and includes the plumbing, heating, air conditioning and electrical systems contained therein, including expandable recreational vehicles, known as "park models" designed and built as a permanent residence, the structure for which is 35 feet or less in length and in excess of eight feet in width.

*Manufactured home* means a structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when attached to the required utilities. The term "manufactured home" does not include a "recreational vehicle".

*Mobile home park* means a place set aside and offered by a person or public body for either direct or indirect remuneration of the owner, lessor or operator of such place for the parking or accommodation of six or more mobile homes.

*Nonconforming use* means a use which does not conform to a current provision or regulation provided in the Comprehensive Plan and/or LDC.

*Nonconforming use, lawful* means a use which does not conform to a current provision or regulation provided in the Comprehensive Plan and/or LDC, but was permitted, or otherwise in existence lawfully, prior to the effective date of the ordinance adopting the current provision or regulation that rendered the use nonconforming.

*Substantial improvement* means any repair, reconstruction or improvement of a structure, the cost of which equals or exceeds 50 percent of the pre-destruction market value of the structure, as determined by the office of the tax assessor of the county, either before the improvement or repair is started, or if the structure has been damaged and is being restored, before the damage occurred. For the purposes of this definition, substantial improvement is considered to occur when the first

alteration of any wall, ceiling, floor or other structural part of the building commences, whether or not that alteration affects the external dimension of the structure. The term does not, however, include either:

- (1) Any project for improvement of a structure to comply with existing state or local health, sanitary or safety code specifications which are necessary solely to ensure safe living conditions; or
- (2) Any alteration of a structure listed on the National Register of Historic Places, the state inventory of historic places, or any inventory of local historic places.

**Sec. 102-56. Nonconforming Uses.**

...

(f) *Termination.*

...

(2) *Damage or destruction.* Except as provided in Section 102-56(f)(3) and (4), if a structure in which a nonconforming use is located is damaged or destroyed so as to require substantial improvement, then the structure may be repaired or restored only for uses that conform to the provisions of the land use (zoning) district in which it is located. Fair market value shall be determined by reference to the official tax assessment rolls for that year or by an appraisal by a qualified independent appraiser. The extent of damage or destruction shall be determined by the building official, in consultation with the Planning Director, by comparing the estimated cost of repairs or restoration with the fair market value (such damage or destruction may be voluntarily or due to natural phenomena whose effects could not be prevented by the exercise of reasonable care and foresight).

(3) *Damage and destruction of nonconforming uses in commercial fishing districts (CFA, CFV and CFSD) and Community Center Overlay Districts (CC).* In the CFA, CFV, and CFSD land use (zoning) districts and the CC overlay districts identified in Section 130-132 through Section 130-140, nonconforming uses lawfully existing as of September 15, 1986, may be rebuilt even if 100 percent destroyed, provided that they are rebuilt to preexisting use, building footprint and configuration without increase in density or intensity of use identified in Section 130-157 and registered in accordance with section 102-55. Development shall be brought into compliance to the maximum extent practicable, as determined by the Planning Director.

...

**Monroe County Year 2030 Comprehensive Plan References:**

**Policy 101.5.9**

Existing manufactured homes which are damaged or destroyed so as to require substantial improvement shall be required to meet the most recent HUD standards, and the floodplain management standards set forth by FEMA.

## **B. Code of Federal Regulations**

### **C.F.R. Definitions**

Title 44 of the Code of Federal Regulations (44 C.F.R.) includes Floodplain management criteria for flood-prone areas. Section 59.1 provides a definition for a “manufactured home park or subdivision” and distinguishes between “**new** manufactured home park or subdivision,” “**existing** manufactured home park or subdivision,” and “**expansion to an existing** manufactured home park or subdivision.”

#### **44 C.F.R. References**

##### **§ 59.1 Definitions.**

*Manufactured home* means a structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when attached to the required utilities. The term “manufactured home” does not include a “recreational vehicle”.

*Manufactured home park or subdivision* means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

*New manufactured home park or subdivision* means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of floodplain management regulations adopted by a community.

*Existing manufactured home park or subdivision* means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of the floodplain management regulations adopted by a community. **[In Monroe County this date is January 1, 1975]**

*Expansion to an existing manufactured home park or subdivision* means the preparation of additional sites by the construction of facilities for servicing the lots on which the manufacturing homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

*Substantial damage* means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

*Substantial improvement* means any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before

the “start of construction” of the improvement. This term includes structures which have incurred “substantial damage”, regardless of the actual repair work performed. The term does not, however, include either:

(1) Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions or

(2) Any alteration of a “historic structure”, provided that the alteration will not preclude the structure's continued designation as a “historic structure”.

### **C.F.R. Elevation Requirements**

Section 60.3 (44 C.F.R.) provides the following elevation requirements for manufactured homes (mobile homes) that are placed or substantially improved within A or V flood zones, in the following categories:

**1. Individual Manufactured and Mobile Homes** that are NOT located within a manufactured and mobile home park or subdivision:

**a. Within A Zones:** Require that manufactured and mobile homes that are placed or substantially improved within Zones A1-30, AH, and AE on the community's FIRM on sites outside of a manufactured and mobile home park or subdivision **be elevated on a permanent foundation such that the lowest floor of the manufactured or mobile home is elevated to or above the base flood elevation** and be securely anchored to an adequately anchored foundation system to resist floatation collapse and lateral movement. [§60.3(e)(1) > §60.3(c)(6)(i)]

**b. Within V Zones:** Provide that all new construction and substantial improvements in Zones V1-30 and VE, and also Zone V if base flood elevation data is available, on the community's FIRM, are **elevated on pilings and columns so that the bottom of the lowest horizontal structural member of the lowest floor (excluding the pilings or columns) is elevated to or above the base flood level.** [§60.3(e)(8)(i) > §60.3(e)(4)]

**2. Manufactured and Mobile Homes within a new manufactured and mobile home park or subdivision:**

**a. Within A Zones:** Require that manufactured and mobile homes that are placed or substantially improved within Zones A1-30, AH, and AE on the community's FIRM on sites in a new manufactured and mobile home park or subdivision **be elevated on a permanent foundation such that the lowest floor of the manufactured or mobile**

**home is elevated to or above the base flood elevation** and be securely anchored to an adequately anchored foundation system to resist floatation collapse and lateral movement. [§60.3(e)(1) > §60.3(c)(6)(ii)]

**b. Within V Zones:** Provide that all new construction and substantial improvements in Zones V1-30 and VE, and also Zone V if base flood elevation data is available, on the community's FIRM, are **elevated on pilings and columns so that the bottom of the lowest horizontal structural member of the lowest floor (excluding the pilings or columns) is elevated to or above the base flood level.** [§60.3(e)(8)(ii) > §60.3(e)(4)]

**3. Manufactured and Mobile Homes within an expansion to an existing manufactured and mobile home park or subdivision:**

**a. Within A Zones:** Require that manufactured and mobile homes that are placed or substantially improved within Zones A1-30, AH, and AE on the community's FIRM on sites in an expansion to an existing manufactured and mobile home park or subdivision **be elevated on a permanent foundation such that the lowest floor of the manufactured or mobile home is elevated to or above the base flood elevation** and be securely anchored to an adequately anchored foundation system to resist floatation collapse and lateral movement. [§60.3(e)(1) > §60.3(c)(6)(iii)]

**b. Within V Zones:** Provide that all new construction and substantial improvements in Zones V1-30 and VE, and also Zone V if base flood elevation data is available, on the community's FIRM, are **elevated on pilings and columns so that the bottom of the lowest horizontal structural member of the lowest floor (excluding the pilings or columns) is elevated to or above the base flood level.** [§60.3(e)(8)(iii) > §60.3(e)(4)]

**4. Manufactured and Mobile Homes on sites within an existing manufactured and mobile home park or subdivision on which a manufactured or mobile home has incurred “substantial damage” as the result of a flood:**

**a. Within A Zones:** Require that manufactured and mobile homes that are placed or substantially improved within Zones A1-30, AH, and AE on the community's FIRM on sites in an existing manufactured and mobile home park or subdivision on which a manufactured or mobile home has incurred “substantial damage” as the result of a flood **be elevated on a permanent foundation such that the lowest floor of the manufactured or mobile home is elevated to or above the base flood elevation** and be securely anchored to an adequately anchored foundation system to resist floatation collapse and lateral movement. [§60.3(e)(1) > §60.3(c)(6)(iv)]

- b. Within V Zones:** Provide that all new construction and substantial improvements in Zones V1-30 and VE, and also Zone V if base flood elevation data is available, on the community's FIRM, are **elevated on pilings and columns so that the bottom of the lowest horizontal structural member of the lowest floor (excluding the pilings or columns) is elevated to or above the base flood level.** [§60.3(e)(8)(iv) > §60.3(e)(4)]
- 5. Manufactured and Mobile Homes on sites within an existing manufactured and mobile home park or subdivision on which a manufactured or mobile home has incurred “substantial damage” as the result of something other than a flood:**
- a. Within A Zones:** Require that manufactured and mobile homes to be placed or substantially improved on sites in an existing manufactured and mobile home park or subdivision within Zones A-1-30, AH, and AE on the community's FIRM that are not subject to the provisions of paragraph (c)(6) be elevated so that either (i) the **lowest floor of the manufactured or mobile home is at or above the base flood elevation, or** (ii) the manufactured or mobile home **chassis is supported by reinforced piers or other foundation elements of at least equivalent strength that are no less than 36 inches in height above grade** and be securely anchored to an adequately anchored foundation system to resist floatation, collapse, and lateral movement. [§60.3(e)(1) > §60.3(c)(12)]  
**[Note: Per Section 130-53 of the Monroe County Land Development Code, the option to place a manufactured or mobile home on piers or other foundation of 36 inches in height is only available within the URM-L Zoning District. In all other zoning districts, it must be elevated to or above the base flood elevation.]**
- b. Within V Zones:** Require that manufactured and mobile homes placed or substantially improved on other sites in an existing manufactured or mobile home park or subdivision within Zones VI-30, V, and VE on the community's FIRM **be elevated so that either** (i) the **lowest floor of the manufactured or mobile home is at or above the base flood elevation, or** (ii) the manufactured or mobile home **chassis is supported by reinforced piers or other foundation elements of at least equivalent strength that are no less than 36 inches in height above grade** and be securely anchored to an adequately anchored foundation system to resist floatation, collapse, and lateral movement. [§60.3(e)(8) > §60.3(c)(12)]  
**[Note: Per Section 130-53 of the Monroe County Land Development Code, the option to place a manufactured or mobile home on piers or other foundation of 36 inches in height is only available within the URM-L Zoning District. In all other zoning districts, it must be elevated to or above the base flood elevation.]**

## **44 C.F.R. References**

### **§ 60.3 Flood plain management criteria for flood-prone areas.**

The Federal Insurance Administrator will provide the data upon which flood plain management regulations shall be based. If the Federal Insurance Administrator has not provided sufficient data to furnish a basis for these regulations in a particular community, the community shall obtain, review and reasonably utilize data available from other Federal, State or other sources pending receipt of data from the Federal Insurance Administrator. However, when special flood hazard area designations and water surface elevations have been furnished by the Federal Insurance Administrator, they shall apply. The symbols defining such special flood hazard designations are set forth in § 64.3 of this subchapter. In all cases the minimum requirements governing the adequacy of the flood plain management regulations for flood-prone areas adopted by a particular community depend on the amount of technical data formally provided to the community by the Federal Insurance Administrator. Minimum standards for communities are as follows:

...

(e) When the Federal Insurance Administrator has provided a notice of final base flood elevations within Zones A1-30 and/or AE on the community's FIRM and, if appropriate, has designated AH zones, AO zones, A99 zones, and A zones on the community's FIRM, and has identified on the community's FIRM coastal high hazard areas by designating Zones V1-30, VE, and/or V, the community shall:

(e)(1) Meet the requirements of paragraphs (c)(1) through (14) of this section;

...

(e)(4) Provide that all new construction and substantial improvements in Zones V1-30 and VE, and also Zone V if base flood elevation data is available, on the community's FIRM, are elevated on pilings and columns so that

(i) the bottom of the lowest horizontal structural member of the lowest floor (excluding the pilings or columns) is elevated to or above the base flood level; and

(ii) the pile or column foundation and structure attached thereto is anchored to resist flotation, collapse and lateral movement due to the effects of wind and water loads acting simultaneously on all building components. Water loading values used shall be those associated with the base flood. Wind loading values used shall be those required by applicable State or local building standards.

A registered professional engineer or architect shall develop or review the structural design, specifications and plans for the construction, and shall certify that the design and methods of construction to be used are in accordance with accepted standards of practice for meeting the provisions of paragraphs (e)(4) (i) and (ii) of this section.

...

**(e)(8)** Require that manufactured homes placed or substantially improved within Zones V1-30, V, and VE on the community's FIRM on sites

(i) Outside of a manufactured home park or subdivision,

(ii) In a new manufactured home park or subdivision,

(iii) In an expansion to an existing manufactured home park or subdivision, or

(iv) In an existing manufactured home park or subdivision on which a manufactured home has incurred “substantial damage” as the result of a flood,

meet the standards of paragraphs (e)(2) through (7) of this section and

that manufactured homes placed or substantially improved on other sites in an existing manufactured home park or subdivision within Zones VI-30, V, and VE on the community's FIRM meet the requirements of paragraph (c)(12) of this section.

...

...

**(c)(6)** Require that manufactured homes that are placed or substantially improved within Zones A1-30, AH, and AE on the community's FIRM on sites

(i) Outside of a manufactured home park or subdivision,

(ii) In a new manufactured home park or subdivision,

(iii) In an expansion to an existing manufactured home park or subdivision, or

(iv) In an existing manufactured home park or subdivision on which a manufactured home has incurred “substantial damage” as the result of a flood,

be elevated on a permanent foundation such that the lowest floor of the manufactured home is elevated to or above the base flood elevation and be securely anchored to an adequately anchored foundation system to resist floatation collapse and lateral movement.

...

**(c)(12)** Require that manufactured homes to be placed or substantially improved on sites in an existing manufactured home park or subdivision within Zones A-1-30, AH, and AE on the community's FIRM that are not subject to the provisions of paragraph (c)(6) of this section be elevated so that either

- (i) The lowest floor of the manufactured home is at or above the base flood elevation, or
  - (ii) The manufactured home chassis is supported by reinforced piers or other foundation elements of at least equivalent strength that are no less than 36 inches in height above grade and be securely anchored to an adequately anchored foundation system to resist floatation, collapse, and lateral movement.
- ...

**C. Monroe County Land Development Code – Floodplain Regulations**

Chapter 122 of the Monroe County Land Development Code (LDC) contains the County’s local Floodplain Management Regulations. The regulations in this chapter are consistent with 44 C.F.R. §59.1 and §60.3, and also include several additional requirements regarding substantial improvement or replacement of manufactured and mobile homes.

LDC Section 122-3(a) defines *manufactured home* as “a structure, transportable in one or more sections, which is built on a permanent chassis and designed to be used with or without a permanent foundation when connected to the required utilities. The term also includes park trailer, travel trailers, and similar transportable structures placed on a site for 180 consecutive days or longer and intended to be improved property;” and defines *existing manufactured home park* as “a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of the streets, and either final site grading or the pouring of concrete pads is completed before January 1, 1975, **and in which, at the time of application, there are no site built residences or the park or subdivision is limited to manufactured home by this chapter.**” [Note: the word “chapter” in the above definition is a reference to the entire LDC, which, at the time this section was adopted, was Chapter 9.5 of the Monroe County Code.]

The County LDC definition of *existing manufactured home park* matches the definition in 44 C.F.R. §59.1, but specifies the effective date of the County’s floodplain management regulations (January 1, 1975) and **includes the following additional criteria for a park to be considered “existing”:**

- 1. there are no site built residences in the manufactured and mobile home park or subdivision; or**
- 2. the park or subdivision must be limited to manufactured and mobile homes by the LDC.**

**The LDC limits only one zoning district to manufactured and mobile homes: URM-L.** Per LDC Section 130-53, *Purpose of the Urban Residential Mobile Home – Limited District (URM-L)*, “the purpose of the URM-L district is to recognize the existence of parks and subdivisions which consist

exclusively, or almost exclusively, of mobile homes, but not to create new such areas, in order to permit property owners in such areas to replace or establish mobile homes below base flood elevation as authorized by certified federal regulations.” LDC Section 130-100 lists the permitted and conditional uses within the URM-L Zoning District; Mobile Homes are the only residential use allowed within the URM-L district. **Additionally, the URM-L district is the only zoning district whose purpose specifies the option of replacing or establishing manufactured and mobile homes below base flood elevation, and therefore is the only zoning district in which that option is allowed.**

Consistent with 44 C.F.R. §60.3(c)(12), Section 122-4(b)(4)b. of the LDC allows a manufactured or mobile home to be placed or substantially improved in an existing manufactured and mobile home park or subdivision at an elevation of 36 inches above grade (rather than at base flood elevation), provided that it has not been substantially damaged by flood. However, **the LDC includes the additional requirement that the lot on which the manufactured or mobile home is to be placed at 36 inches above grade must be contiguous to and surrounded by manufactured and mobile homes that are also not elevated to base flood elevation.** [LDC Section 122-4(b)(4)b.1.]

**Monroe County Land Development Code References:**

**Section 122-3(a)**

*Existing construction* means structures for which the start of construction commenced before January 1, 1975. Existing construction is also known as pre-FIRM structures.

*Existing manufactured home park* means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of the streets, and either final site grading or the pouring of concrete pads is completed before January 1, 1975, and in which, at the time of application, there are no site built residences or the park or subdivision is limited to manufactured home by this chapter.

*Manufactured home* means a structure, transportable in one or more sections, which is built on a permanent chassis and designed to be used with or without a permanent foundation when connected to the required utilities. The term also includes park trailer, travel trailers, and similar transportable structures placed on a site for 180 consecutive days or longer and intended to be improved property.

*New construction* means those structures for which the start of construction commenced on or after January 1, 1975. New construction is also known as post-FIRM structures.

*Substantial damage* means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred. All structures that are determined to be substantially damaged are automatically considered to be substantial improvements, regardless of the actual repair work performed. If the cost necessary to fully repair the structure to its before damage condition is equal to or greater than 50 percent of the structure's market value before damages, then the structure must be elevated (or flood proofed if it is non-residential) to or above the base flood elevation (BFE), and meet other applicable NFIP requirements. Items that may be excluded from the cost to repair include plans, specifications, survey costs, permit fees, and other items which are separate from the repair. Items that may also be excluded include demolition or emergency repairs (costs to temporarily stabilize a building so that it's safe to enter to evaluate and identify required repairs) and improvements to items outside the building, such as the driveway, septic systems, wells, fencing, landscaping and detached structures.

*Substantial improvement* means any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before the "start of construction" of the improvement. This term includes structures which have incurred "substantial damage," regardless of the actual repair work performed. The term does not, however, include either:

(a) Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local Building Official and which are the minimum necessary to assure safe living conditions; or

(b) The cost of repairs required to remedy health, safety, and sanitary code deficiencies can be deducted from the overall cost of an improvement, but only if:

(1) An appropriate regulatory official such as a Building Official, Fire Marshal, or Health Officer was informed about and knows the extent of the code related deficiencies, and

(2) The deficiency was in existence prior to the damage event or improvement and will not be triggered solely by the fact that the structure is being improved or repaired.

In addition, for any repair required to meet health, sanitary, and safety codes, only the minimum necessary to assure safe living conditions should be deducted, including those improvements required by Chapter 11, 2012 Florida Accessibility Code. Costs of repairs that are in excess of the minimum necessary for continued occupancy or use will be counted toward the cost of the overall improvement; or

(c) Any alterations of a "historic structure," provided that the alteration will not preclude the structure's continued designation as a "historic structure."

Floodplain management requirements for new construction apply to substantial improvements.

*Supplemental information for substantial improvement.*

The basic types of improvements that could be made to structures include but are not limited to rehabilitations or reconstructions that do not increase square footage, and lateral or vertical additions that do increase square footage.

Rehabilitation or reconstruction would be a partial or complete "gutting" and replacement of internal workings and may or may not include structural changes. If this action is substantial, i.e., over 50 percent of the structure's market value, it is considered new construction, and the entire building must be elevated to or above the base flood elevation (BFE) (or floodproofed if the building is non-residential).

...

**Sec. 122-4. Standards for Issuance of Building Permits in Areas of Special Flood Hazard.**

...

(b) Additional standards.

In all areas of special flood hazard where base flood elevation data has been provided the following provisions are required:

(1) Residential construction.

a. New construction and substantial improvement of any residential structure shall have the lowest floor for zones A1-30, AE and AH or bottom of the lowest supporting member of the lowest floor for zones V1-30, VE or V elevated at or above the base flood elevation level.

...

(4) Manufactured homes.

a. Effective June 1, 1977, no manufactured home not already in place shall be placed within areas of special flood hazard except in an existing manufactured home park or subdivision, as hereafter defined. In the event that the Federal Emergency Management Agency eliminates the existing manufactured home park or subdivision requirement of 44 CFR 60.3(c)(12), then no manufactured home may be placed below the base flood elevation.

b. A manufactured home that is to be placed on a qualified lot may be placed at an elevation below base flood elevation provided that:

1. The lot on which the manufactured home is to be placed is located in an existing manufactured home park or subdivision and is contiguous to and surrounded by manufactured homes not at base flood elevation.

2. The manufactured homes that are placed or substantially improved (for other than substantial damage due to a flood) on sites in existing manufactured home parks or subdivision in

flood hazard areas shall be elevated so that the manufactured home chassis is supported by reinforced piers or other foundation elements that are no less than 36 inches in height above the grade at the site. A lower foundation system could be used if the top of the finished floor of the manufactured home or the bottom of the beam (for V zones) would be at or above the base flood elevation using such foundation.

...

**Sec. 130-53. Purpose of the Urban Residential Mobile Home – Limited District (URM-L).**

The purpose of the URM-L district is to recognize the existence of parks and subdivisions which consist exclusively, or almost exclusively, of mobile homes, but not to create new such areas, in order to permit property owners in such areas to replace or establish mobile homes below base flood elevation as authorized by certified federal regulations.

**Sec. 130-100. Urban Residential Mobile Home—limited district (URM-L).**

(a) The following uses are permitted as of right in the Urban Residential Mobile Home-Limited district:

- (1) Mobile homes;
- (2) Recreational vehicles in a registered RV park or park trailers commonly known as ‘park models’ as defined in F.S. 320.01.;
- (3) Home occupations—Special use permit required;
- (4) Accessory uses;
- (5) Tourist housing uses, including vacation rental uses, are prohibited except in gated communities that have:
  - a. Controlled access; and
  - b. A homeowner's or property owner's association that expressly regulates or manages vacation rental uses;
- (6) Collocations on existing antenna-supporting structures, pursuant to section 146-5(c);
- (7) Satellite earth stations less than two meters in diameter, as accessory uses, pursuant to section 146-5(f); and
- (8) Wastewater nutrient reduction cluster systems that serve less than ten residences.

(b) The following uses are permitted as minor conditional uses in the urban Residential mobile home—limited district, subject to the standards and procedures set forth in chapter 110, article III:

- (1) Replacement of an existing antenna-supporting structure pursuant to section 146-5(b);
- (2) Stealth wireless communications facilities, as accessory uses, pursuant to section 146-5(e); and
- (3) Satellite earth stations greater than or equal to two meters in diameter, as accessory uses, pursuant to section 146-5(f).

**Monroe County Planning &  
Environmental Resources Department**

**Manufactured and Mobile Home Replacement Checklist**

PROPERTY OWNERS WISHING TO  
**REPLACE OR SUBSTANTIALLY IMPROVE** A MANUFACTURED OR MOBILE HOME  
MAY SUBMIT THIS FORM AS A REQUEST FOR A PROPERTY ANALYSIS OF APPLICABLE  
MONROE COUNTY ZONING AND FLOODPLAIN REGULATIONS.

**Property Owner - Please complete Section A. Property Information, AND the attached Flood Affidavit**  
**Submit to:** Monroe County Planning & Environmental Resources Department  
Marathon Government Center  
2798 Overseas Highway, Suite 400  
Marathon, FL 33050

**TO BE COMPLETED BY PROPERTY OWNER:**

<b><u>A. Property Information</u></b>			
Parcel ID Number(s) / RE#(s)			
Block	Lot	Subdivision	Key
Property Address		Approximate Mile Marker	
Property Owner Name			
Property Owner Contact Info: Phone Number		Email Address	

\* \* \* \* \*

**TO BE COMPLETED BY STAFF:**

<b><u>B. Substantial Damage/Improvement – (ASSESSMENT TOOL and/or PERMIT APPLICATION(S))</u></b>
<input type="checkbox"/> <b>NO – Not Substantially Damaged</b> (if NO, owner should refer to “Building Permit Requirements for Mobile Home and Manufactured Units” document for repair guidelines)
<input type="checkbox"/> <b>YES – Substantially Damaged</b> (if YES, owner should refer to the ROGO, Zoning, and Floodplain requirements for substantial improvements below, and the “Mobile Home and Manufactured Unit Replacement Information” document for more details)
<input type="checkbox"/> <b>Substantially Damaged by FLOOD</b>
<input type="checkbox"/> <b>Substantially Damaged by WIND</b>
<input type="checkbox"/> <b>Substantially Damaged by combination of FLOOD and WIND</b>
* * * * *
<b><u>C. ROGO Exemption on File – (PLANNING REVIEWER)</u></b>
<input type="checkbox"/> <b>NO</b> (if NO, owner should request a ROGO Exemption Letter from the Planning Department; or must apply for a ROGO allocation prior to substantial improvement or replacement of a residential unit)
<input type="checkbox"/> <b>YES</b> (if YES, substantial improvement or replacement of a residential unit will not require a ROGO allocation)



STATE OF FLORIDA  
COUNTY OF MONROE.

FLOOD AFFIDAVIT

Before me this day personally appeared \_\_\_\_\_ who, being duly sworn acknowledges and says:

I, the property owner of \_\_\_\_\_, hereby acknowledge that the home located at this address was not substantially damaged by flood or was not flooded at all.

\_\_\_\_\_  
Signature of Affiant (Owner)

Sworn to (or affirmed) and subscribed before me this \_\_\_ day of \_\_\_\_\_, 201\_\_, by

\_\_\_\_\_  
Name of Affiant

Personally known \_\_\_\_\_

OR Produced Identification \_\_\_\_\_

Type of Identification Produced \_\_\_\_\_

\_\_\_\_\_  
Signature of Notary Public, State of Florida

\_\_\_\_\_  
Print, Type or Stamp Name of Notary Public

My commission expires:

## Manufactured home/mobile home analysis

**U.S. Code of Federal Regulations**

## Title 44 Chapter I Part 60 Subpart A - Requirements for Flood Plain Management Regulations

**§ 60.1 - Purpose of subpart.**

- (a) The Act provides that flood insurance shall not be sold or renewed under the program within a community, unless the community has adopted adequate flood plain management regulations consistent with Federal criteria. Responsibility for establishing such criteria is delegated to the Federal Insurance Administrator.
- (b) This subpart sets forth the criteria developed in accordance with the Act by which the Federal Insurance Administrator will determine the adequacy of a community's flood plain management regulations. These regulations must be legally-enforceable, applied uniformly throughout the community to all privately and publicly owned land within flood-prone, mudslide (i.e., mudflow) or flood-related erosion areas, and the community must provide that the regulations take precedence over any less restrictive conflicting local laws, ordinances or codes. Except as otherwise provided in § 60.6, the adequacy of such regulations shall be determined on the basis of the standards set forth in § 60.3 for flood-prone areas, § 60.4 for mudslide areas and § 60.5 for flood-related erosion areas.
- (c) Nothing in this subpart shall be construed as modifying or replacing the general requirement that all eligible communities must take into account flood, mudslide (i.e., mudflow) and flood-related erosion hazards, to the extent that they are known, in all official actions relating to land management and use.
- (d) The criteria set forth in this subpart are minimum standards for the adoption of flood plain management regulations by flood-prone, mudslide (i.e., mudflow)-prone and flood-related erosion-prone communities. Any community may exceed the minimum criteria under this part by adopting more comprehensive flood plain management regulations utilizing the standards such as contained in subpart C of this part. In some instances, community officials may have access to information or knowledge of conditions that require, particularly for human safety, higher standards than the minimum criteria set forth in subpart A of this part. Therefore, any flood plain management regulations adopted by a State or a community which are more restrictive than the criteria set forth in this part are encouraged and shall take precedence.

[41 FR 46975, Oct. 26, 1976. Redesignated at 44 FR 31177, May 31, 1979, as amended at 48 FR 44552, Sept. 29, 1983; 49 FR 4751, Feb. 8, 1984]

**§ 60.2 - Minimum compliance with flood plain management criteria.**

- (a) A flood-prone community applying for flood insurance eligibility shall meet the standards of § 60.3(a) in order to become eligible if a FHBM has not been issued for the community at the time of application. Thereafter, the community will be given a period of six months from the date the Federal Insurance Administrator provides the data set forth in § 60.3 (b), (c), (d), (e) or (f), in which to meet the requirements of the applicable paragraph. If a community has received a FHBM, but has not yet applied for Program eligibility, the community shall apply for eligibility directly under the standards set forth in § 60.3(b). Thereafter, the community will be given a period of six months from the date the Federal Insurance Administrator provides the data set forth in § 60.3 (c), (d), (e) or (f) in which to meet the requirements of the applicable paragraph.
- (b) A mudslide (i.e., mudflow)-prone community applying for flood insurance eligibility shall meet the standards of § 60.4(a) to become eligible. Thereafter, the community will be given a period of six months from the date the mudslide (i.e., mudflow) areas having special mudslide hazards are delineated in which to meet the requirements of § 60.4(b).
- (c) A flood-related erosion-prone community applying for flood insurance eligibility shall meet the standards of § 60.5(a) to become eligible. Thereafter, the community will be given a period of six months from the date the flood-related erosion areas having special erosion hazards are delineated in which to meet the requirements of § 60.5(b).
- (d) Communities identified in part 65 of this subchapter as containing more than one type of hazard (e.g., any combination of special flood, mudslide (i.e., mudflow), and flood-related erosion hazard areas) shall adopt flood plain management regulations for each type of hazard consistent with the requirements of §§ 60.3, 60.4 and 60.5.
- (e) Local flood plain management regulations may be submitted to the State Coordinating Agency designated pursuant to § 60.25 for its advice and concurrence. The submission to the State shall clearly describe proposed enforcement procedures.
- (f) The community official responsible for submitting annual or biennial reports to the Federal Insurance Administrator pursuant to § 59.22(b)(2) of this subchapter shall also submit copies of each annual or biennial report to any State Coordinating Agency.
- (g) A community shall assure that its comprehensive plan is consistent with the flood plain management objectives of this part.
- (h) The community shall adopt and enforce flood plain management regulations based on data provided by the Federal Insurance Administrator. Without prior approval of the Federal Insurance Administrator, the community shall not adopt and enforce flood plain management regulations based upon modified data reflecting natural or man-made physical changes.

[41 FR 46975, Oct. 26, 1976. Redesignated at 44 FR 31177, May 31, 1979, as amended at 48 FR 29318, June 24, 1983; 48 FR 44552, Sept. 29, 1983; 49 FR 4751, Feb. 8, 1984; 50 FR 36024, Sept. 4, 1985; 59 FR 53598, Oct. 25, 1994; 62 FR 55716, Oct. 27, 1997]

### **§ 60.3 - Flood plain management criteria for flood-prone areas.**

The Federal Insurance Administrator will provide the data upon which flood plain management regulations shall be based. If the Federal Insurance Administrator has not provided sufficient data to furnish a basis for these regulations in a particular community, the community shall obtain, review and reasonably utilize data available from other Federal, State or other sources pending receipt of data from the Federal Insurance Administrator. However, when special flood hazard area designations and water surface elevations have been furnished by the Federal Insurance Administrator, they shall apply. The symbols defining such special flood hazard designations are set forth in § 64.3 of this subchapter. In all cases the minimum requirements governing the adequacy of the flood plain management regulations for flood-prone areas adopted by a particular community depend on the amount of technical data formally provided to the community by the Federal Insurance Administrator. Minimum standards for communities are as follows:

(a) When the Federal Insurance Administrator has not defined the special flood hazard areas within a community, has not provided water surface elevation data, and has not provided sufficient data to identify the floodway or coastal high hazard area, but the community has indicated the presence of such hazards by submitting an application to participate in the Program, the community shall:

(1) Require permits for all proposed construction or other development in the community, including the placement of manufactured homes, so that it may determine whether such construction or other development is proposed within flood-prone areas;

(2) Review proposed development to assure that all necessary permits have been received from those governmental agencies from which approval is required by Federal or State law, including section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1334;

(3) Review all permit applications to determine whether proposed building sites will be reasonably safe from flooding. If a proposed building site is in a flood-prone area, all new construction and substantial improvements shall (i) be designed (or modified) and adequately anchored to prevent flotation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy, (ii) be constructed with materials resistant to flood damage, (iii) be constructed by methods and practices that minimize flood damages, and (iv) be constructed with electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.

(4) Review subdivision proposals and other proposed new development, including manufactured home parks or subdivisions, to determine whether such proposals will be reasonably safe from flooding. If a subdivision proposal or other proposed new development is in a flood-prone area, any such proposals shall be reviewed to assure that (i) all such proposals are consistent with the need to minimize flood damage within the flood-prone area, (ii) all public utilities and facilities, such as sewer, gas, electrical, and water systems are located and constructed to minimize or eliminate flood damage, and (iii) adequate drainage is provided to reduce exposure to flood hazards;

(5) Require within flood-prone areas new and replacement water supply systems to be designed to minimize or eliminate infiltration of flood waters into the systems; and

(6) Require within flood-prone areas (i) new and replacement sanitary sewage systems to be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters and (ii) onsite waste disposal systems to be located to avoid impairment to them or contamination from them during flooding.

(b) When the Federal Insurance Administrator has designated areas of special flood hazards (A zones) by the publication of a community's FHBM or FIRM, but has neither produced water surface elevation data nor identified a floodway or coastal high hazard area, the community shall:

(1) Require permits for all proposed construction and other developments including the placement of manufactured homes, within Zone A on the community's FHBM or FIRM;

(2) Require the application of the standards in paragraphs (a) (2), (3), (4), (5) and (6) of this section to development within Zone A on the community's FHBM or FIRM;

(3) Require that all new subdivision proposals and other proposed developments (including proposals for manufactured home parks and subdivisions) greater than 50 lots or 5 acres, whichever is the lesser, include within such proposals base flood elevation data;

(4) Obtain, review and reasonably utilize any base flood elevation and floodway data available from a Federal, State, or other source, including data developed pursuant to paragraph (b)(3) of this section, as criteria for requiring that new construction, substantial improvements, or other development in Zone A on the community's FHBM or FIRM meet the standards in paragraphs (c)(2), (c)(3), (c)(5), (c)(6), (c)(12), (c)(14), (d)(2) and (d)(3) of this section;

(5) Where base flood elevation data are utilized, within Zone A on the community's FHBM or FIRM:

- (i) Obtain the elevation (in relation to mean sea level) of the lowest floor (including basement) of all new and substantially improved structures, and
- (ii) Obtain, if the structure has been floodproofed in accordance with paragraph (c)(3)(ii) of this section, the elevation (in relation to mean sea level) to which the structure was floodproofed, and
- (iii) Maintain a record of all such information with the official designated by the community under § 59.22(a)(9)(iii);

(6) Notify, in riverine situations, adjacent communities and the State Coordinating Office prior to any alteration or relocation of a watercourse, and submit copies of such notifications to the Federal Insurance Administrator;

(7) Assure that the flood carrying capacity within the altered or relocated portion of any watercourse is maintained;

(8) Require that all manufactured homes to be placed within Zone A on a community's FHBM or FIRM shall be installed using methods and practices which minimize flood damage. For the purposes of this requirement, manufactured homes must be elevated and anchored to resist flotation, collapse, or lateral movement. Methods of anchoring may include, but are not to be limited to, use of over-the-top or frame ties to ground anchors. This requirement is in addition to applicable State and local anchoring requirements for resisting wind forces.

**(c) When the Federal Insurance Administrator has provided a notice of final flood elevations for one or more special flood hazard areas on the community's FIRM and, if appropriate, has designated other special flood hazard areas without base flood elevations on the community's FIRM, but has not identified a regulatory floodway or coastal high hazard area, the community shall:**

(1) Require the standards of paragraph (b) of this section within all A1-30 zones, AE zones, A zones, AH zones, and AO zones, on the community's FIRM;

(2) Require that all new construction and substantial improvements of residential structures within Zones A1-30, AE and AH zones on the community's FIRM have the lowest floor (including basement) elevated to or above the base flood level, unless the community is granted an exception by the Federal Insurance Administrator for the allowance of basements in accordance with § 60.6 (b) or (c);

(3) Require that all new construction and substantial improvements of non-residential structures within Zones A1-30, AE and AH zones on the community's firm (i) have the lowest floor (including basement) elevated to or above the base flood level or, (ii) together with attendant utility and sanitary facilities, be designed so that below the base flood level the structure is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy;

(4) Provide that where a non-residential structure is intended to be made watertight below the base flood level, (i) a registered professional engineer or architect shall develop and/or review structural design, specifications, and plans for the construction, and shall certify that the design and methods of construction are in accordance with accepted standards of practice for meeting the applicable provisions of paragraph (c)(3)(ii) or (c)(8)(ii) of this section, and (ii) a record of such certificates which includes the specific elevation (in relation to mean sea level) to which such structures are floodproofed shall be maintained with the official designated by the community under § 59.22(a)(9)(iii);

(5) Require, for all new construction and substantial improvements, that fully enclosed areas below the lowest floor that are usable solely for parking of vehicles, building access or storage in an area other than a basement and which are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or meet or exceed the following minimum criteria: A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided. The bottom of all openings shall be no higher than one foot above grade. Openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.

**(6) Require that manufactured homes that are placed or substantially improved within Zones A1-30, AH, and AE on the community's FIRM on sites**

**(i) Outside of a manufactured home park or subdivision,**

**(ii) In a new manufactured home park or subdivision,**

**(iii) In an expansion to an existing manufactured home park or subdivision, or**

**(iv) In an existing manufactured home park or subdivision on which a manufactured home has incurred "substantial damage" as the result of a flood, be elevated on a permanent foundation such that the lowest floor of the manufactured home is elevated to or above the base flood elevation and be securely anchored to an adequately anchored foundation system to resist floatation collapse and lateral movement.**

(7) Require within any AO zone on the community's FIRM that all new construction and substantial improvements of residential structures have the lowest floor (including basement) elevated above the highest adjacent grade at least as high as the depth number specified in feet on the community's FIRM (at least two feet if no depth number is specified);

(8) Require within any AO zone on the community's FIRM that all new construction and substantial improvements of nonresidential structures (i) have the lowest floor (including basement) elevated above the highest adjacent grade

at least as high as the depth number specified in feet on the community's FIRM (at least two feet if no depth number is specified), or (ii) together with attendant utility and sanitary facilities be completely floodproofed to that level to meet the floodproofing standard specified in § 60.3(c)(3)(ii);

(9) Require within any A99 zones on a community's FIRM the standards of paragraphs (a)(1) through (a)(4)(i) and (b)(5) through (b)(9) of this section;

(10) Require until a regulatory floodway is designated, that no new construction, substantial improvements, or other development (including fill) shall be permitted within Zones A1-30 and AE on the community's FIRM, unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one foot at any point within the community.

(11) Require within Zones AH and AO, adequate drainage paths around structures on slopes, to guide floodwaters around and away from proposed structures.

**(12) Require that manufactured homes to be placed or substantially improved on sites in an existing manufactured home park or subdivision within Zones A-1-30, AH, and AE on the community's FIRM that are not subject to the provisions of paragraph (c)(6) of this section be elevated so that either**

**(i) The lowest floor of the manufactured home is at or above the base flood elevation, or**

**(ii) The manufactured home chassis is supported by reinforced piers or other foundation elements of at least equivalent strength that are no less than 36 inches in height above grade and be securely anchored to an adequately anchored foundation system to resist floatation, collapse, and lateral movement.**

(13) Notwithstanding any other provisions of § 60.3, a community may approve certain development in Zones A1-30, AE, and AH, on the community's FIRM which increase the water surface elevation of the base flood by more than one foot, provided that the community first applies for a conditional FIRM revision, fulfills the requirements for such a revision as established under the provisions of § 65.12, and receives the approval of the Federal Insurance Administrator.

(14) Require that recreational vehicles placed on sites within Zones A1-30, AH, and AE on the community's FIRM either

(i) Be on the site for fewer than 180 consecutive days,

(ii) Be fully licensed and ready for highway use, or

(iii) Meet the permit requirements of paragraph (b)(1) of this section and the elevation and anchoring requirements for "manufactured homes" in paragraph (c)(6) of this section.

A recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions.

(d) When the Federal Insurance Administrator has provided a notice of final base flood elevations within Zones A1-30 and/or AE on the community's FIRM and, if appropriate, has designated AO zones, AH zones, A99 zones, and A zones on the community's FIRM, and has provided data from which the community shall designate its regulatory floodway, the community shall:

(1) Meet the requirements of paragraphs (c) (1) through (14) of this section;

(2) Select and adopt a regulatory floodway based on the principle that the area chosen for the regulatory floodway must be designed to carry the waters of the base flood, without increasing the water surface elevation of that flood more than one foot at any point;

(3) Prohibit encroachments, including fill, new construction, substantial improvements, and other development within the adopted regulatory floodway unless it has been demonstrated through hydrologic and hydraulic analyses performed in accordance with standard engineering practice that the proposed encroachment would not result in any increase in flood levels within the community during the occurrence of the base flood discharge;

(4) Notwithstanding any other provisions of § 60.3, a community may permit encroachments within the adopted regulatory floodway that would result in an increase in base flood elevations, provided that the community first applies for a conditional FIRM and floodway revision, fulfills the requirements for such revisions as established under the provisions of § 65.12, and receives the approval of the Federal Insurance Administrator.

**(e) When the Federal Insurance Administrator has provided a notice of final base flood elevations within Zones A1-30 and/or AE on the community's FIRM and, if appropriate, has designated AH zones, AO zones, A99 zones, and A zones on the community's FIRM, and has identified on the community's FIRM coastal high hazard areas by designating Zones VI-30, VE, and/or V, the community shall:**

(1) Meet the requirements of paragraphs (c)(1) through (14) of this section;

(2) Within Zones V1-30, VE, and V on a community's FIRM, (i) obtain the elevation (in relation to mean sea level) of the bottom of the lowest structural member of the lowest floor (excluding pilings and columns) of all new and substantially improved structures, and whether or not such structures contain a basement, and (ii) maintain a record of all such information with the official designated by the community under § 59.22(a)(9)(iii);

(3) Provide that all new construction within Zones V1-30, VE, and V on the community's FIRM is located landward of the reach of mean high tide;

- (4) Provide that all new construction and substantial improvements in Zones V1-30 and VE, and also Zone V if base flood elevation data is available, on the community's FIRM, are elevated on pilings and columns so that (i) the bottom of the lowest horizontal structural member of the lowest floor (excluding the pilings or columns) is elevated to or above the base flood level; and (ii) the pile or column foundation and structure attached thereto is anchored to resist flotation, collapse and lateral movement due to the effects of wind and water loads acting simultaneously on all building components. Water loading values used shall be those associated with the base flood. Wind loading values used shall be those required by applicable State or local building standards. A registered professional engineer or architect shall develop or review the structural design, specifications and plans for the construction, and shall certify that the design and methods of construction to be used are in accordance with accepted standards of practice for meeting the provisions of paragraphs (e)(4) (i) and (ii) of this section.
- (5) Provide that all new construction and substantial improvements within Zones V1-30, VE, and V on the community's FIRM have the space below the lowest floor either free of obstruction or constructed with non-supporting breakaway walls, open wood lattice-work, or insect screening intended to collapse under wind and water loads without causing collapse, displacement, or other structural damage to the elevated portion of the building or supporting foundation system. For the purposes of this section, a breakaway wall shall have a design safe loading resistance of not less than 10 and no more than 20 pounds per square foot. Use of breakaway walls which exceed a design safe loading resistance of 20 pounds per square foot (either by design or when so required by local or State codes) may be permitted only if a registered professional engineer or architect certifies that the designs proposed meet the following conditions:
- (i) Breakaway wall collapse shall result from a water load less than that which would occur during the base flood; and,
  - (ii) The elevated portion of the building and supporting foundation system shall not be subject to collapse, displacement, or other structural damage due to the effects of wind and water loads acting simultaneously on all building components (structural and non-structural). Water loading values used shall be those associated with the base flood. Wind loading values used shall be those required by applicable State or local building standards.
- Such enclosed space shall be useable solely for parking of vehicles, building access, or storage.
- (6) Prohibit the use of fill for structural support of buildings within Zones V1-30, VE, and V on the community's FIRM;
- (7) Prohibit man-made alteration of sand dunes and mangrove stands within Zones V1-30, VE, and V on the community's FIRM which would increase potential flood damage.
- (8) Require that manufactured homes placed or substantially improved within Zones V1-30, V, and VE on the community's FIRM on sites
- (i) Outside of a manufactured home park or subdivision,
  - (ii) In a new manufactured home park or subdivision,
  - (iii) In an expansion to an existing manufactured home park or subdivision, or
  - (iv) In an existing manufactured home park or subdivision on which a manufactured home has incurred "substantial damage" as the result of a flood, meet the standards of paragraphs (e)(2) through (7) of this section and that manufactured homes placed or substantially improved on other sites in an existing manufactured home park or subdivision within Zones V1-30, V, and VE on the community's FIRM meet the requirements of paragraph (c)(12) of this section.
- (9) Require that recreational vehicles placed on sites within Zones V1-30, V, and VE on the community's FIRM either
- (i) Be on the site for fewer than 180 consecutive days,
  - (ii) Be fully licensed and ready for highway use, or
  - (iii) Meet the requirements in paragraphs (b)(1) and (e) (2) through (7) of this section.
- A recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions.
- (f) When the Federal Insurance Administrator has provided a notice of final base flood elevations within Zones A1-30 or AE on the community's FIRM, and, if appropriate, has designated AH zones, AO zones, A99 zones, and A zones on the community's FIRM, and has identified flood protection restoration areas by designating Zones AR, AR/A1-30, AR/AE, AR/AH, AR/AO, or AR/A, the community shall:
- (1) Meet the requirements of paragraphs (c)(1) through (14) and (d)(1) through (4) of this section.
  - (2) Adopt the official map or legal description of those areas within Zones AR, AR/A1-30, AR/AE, AR/AH, AR/A, or AR/AO that are designated developed areas as defined in § 59.1 in accordance with the eligibility procedures under § 65.14.
  - (3) For all new construction of structures in areas within Zone AR that are designated as developed areas and in other areas within Zone AR where the AR flood depth is 5 feet or less:
    - (i) Determine the lower of either the AR base flood elevation or the elevation that is 3 feet above highest adjacent grade; and
    - (ii) Using this elevation, require the standards of paragraphs (c)(1) through (14) of this section.

- (4) For all new construction of structures in those areas within Zone AR that are not designated as developed areas where the AR flood depth is greater than 5 feet:
- (i) Determine the AR base flood elevation; and
  - (ii) Using that elevation require the standards of paragraphs (c)(1) through (14) of this section.
- (5) For all new construction of structures in areas within Zone AR/A1-30, AR/AE, AR/AH, AR/AO, and AR/A:
- (i) Determine the applicable elevation for Zone AR from paragraphs (a)(3) and (4) of this section;
  - (ii) Determine the base flood elevation or flood depth for the underlying A1-30, AE, AH, AO and A Zone; and
  - (iii) Using the higher elevation from paragraphs (a)(5)(i) and (ii) of this section require the standards of paragraphs (c)(1) through (14) of this section.
- (6) For all substantial improvements to existing construction within Zones AR/A1-30, AR/AE, AR/AH, AR/AO, and AR/A:
- (i) Determine the A1-30 or AE, AH, AO, or A Zone base flood elevation; and
  - (ii) Using this elevation apply the requirements of paragraphs (c)(1) through (14) of this section.
- (7) Notify the permit applicant that the area has been designated as an AR, AR/A1-30, AR/AE, AR/AH, AR/AO, or AR/A Zone and whether the structure will be elevated or protected to or above the AR base flood elevation.

[41 FR 46975, Oct. 26, 1976]

Editorial Note:

For Federal Register citations affecting § 60.3, see the List of CFR Sections Affected, which appears in the Finding Aids section of the printed volume and at [www.govinfo.gov](http://www.govinfo.gov).

## BUILDING PLANNING

5. If swinging or horizontally sliding hoistway doors and manual horizontally sliding car doors are used and both doors are in the fully closed position, the space between the swinging or horizontally sliding hoistway door and the manual horizontally sliding car doors must reject a 4-inch-diameter sphere at all points.

**Exception:** As an alternative to compliance with Section R321.4.1, Items 2 through 5, a permanent installation of a nonremovable, hoistway door space guard is allowed. The door space guard must be designed and installed to withstand a force of 75 pounds applied horizontally using a 4-inch-diameter sphere at any location within the folds on the car door without permanent deformation.

**R321.4.2** During normal operation, the elevator controller must monitor the closed and locked contacts of the hoistway door locking device, whether electrical or mechanical. If the closed and locked contacts of the landing locks are open while the car is not in the unlocking zone for the hoistway door locking device, the elevator controller must interrupt power to the motor and brake and must not allow the elevator car to restart until the owner or the owner's agent, with a master elevator key, has checked for obstructions above and below the elevator car, returned the hoistway door locking device contacts to the normal operating position, and manually reset the elevator controller with the master elevator key. Additionally, a visual indicator must be visible at all landings until the hoistway door locking device has been returned to the normal operating position and the elevator controller has been manually reset.

## SECTION R322

## FLOOD-RESISTANT CONSTRUCTION

**R322.1 General.** Buildings and structures constructed in whole or in part in flood hazard areas, including A or V Zones and Coastal A Zones, as established in Table R301.2(1), and substantial improvement and restoration of substantial damage of buildings and structures in flood hazard areas, shall be designed and constructed in accordance with the provisions contained in this section. Buildings and structures that are located in more than one flood hazard area shall comply with the provisions associated with the most restrictive flood hazard area. Buildings and structures located in whole or in part in identified floodways shall be designed and constructed in accordance with ASCE 24.

**R322.1.1 Alternative provisions.** As an alternative to the requirements in Section R322, ASCE 24 is permitted subject to the limitations of this code and the limitations therein.

**R322.1.2 Structural systems.** Structural systems of buildings and structures shall be designed, connected and anchored to resist flotation, collapse or permanent lateral movement due to structural loads and stresses from flooding equal to the design flood elevation.

**R322.1.3 Flood-resistant construction.** Buildings and structures erected in areas prone to flooding shall be constructed by methods and practices that minimize flood damage.

**R322.1.4 Establishing the design flood elevation.** The design flood elevation shall be used to define flood hazard areas. At a minimum, the design flood elevation shall be the higher of the following:

1. The base flood elevation at the depth of peak elevation of flooding, including wave height, that has a 1 percent (100-year flood) or greater chance of being equaled or exceeded in any given year; or
2. The elevation of the design flood associated with the area designated on a flood hazard map adopted by the community, or otherwise legally designated.

**R322.1.4.1 Determination of design flood elevations.** If design flood elevations are not specified, the *building official* is authorized to require the applicant to comply with either of the following:

1. Obtain and reasonably use data available from a federal, state or other source; or
2. Determine the design flood elevation in accordance with accepted hydrologic and hydraulic engineering practices used to define special flood hazard areas. Determinations shall be undertaken by a registered *design professional* who shall document that the technical methods used reflect currently accepted engineering practice. Studies, analyses and computations shall be submitted in sufficient detail to allow thorough review and approval.

**R322.1.4.2 Determination of impacts.** In riverine flood hazard areas where design flood elevations are specified but floodways have not been designated, the applicant shall demonstrate that the effect of the proposed buildings and structures on design flood elevations, including fill, when combined with other existing and anticipated flood hazard area encroachments, will not increase the design flood elevation more than 1 foot (305 mm) at any point within the *jurisdiction*.

**R322.1.5 Lowest floor.** The lowest floor shall be the lowest floor of the lowest enclosed area, including *basement*, and excluding any unfinished flood-resistant enclosure that is useable solely for vehicle parking, building access or limited storage provided that such enclosure is not built so as to render the building or structure in violation of this section.

**R322.1.6 Protection of mechanical, plumbing and electrical systems.** Electrical systems, *equipment* and components; heating, ventilating, air conditioning; plumbing *appliances* and plumbing fixtures; *duct systems*; and other service *equipment* shall be located at or above the elevation required in Section R322.2 or R322.3. If replaced as part of a substantial improvement, electrical systems, *equipment* and components; heating, ventilating, air conditioning and plumbing *appliances* and plumbing fixtures; *duct systems*; and other service *equipment* shall meet the requirements of this section. Systems, fixtures, and *equip-*

ment and components shall not be mounted on or penetrate through walls intended to break away under flood loads.

**Exception:** Locating electrical systems, *equipment* and components; heating, ventilating, air conditioning; plumbing *appliances* and plumbing fixtures; *duct systems*; and other service *equipment* is permitted below the elevation required in Section R322.2 or R322.3 provided that they are designed and installed to prevent water from entering or accumulating within the components and to resist hydrostatic and hydrodynamic loads and stresses, including the effects of buoyancy, during the occurrence of flooding to the design flood elevation in accordance with ASCE 24. Electrical wiring systems are permitted to be located below the required elevation provided that they conform to the provisions of the electrical part of this code for wet locations.

**R322.1.7 Protection of water supply and sanitary sewage systems.** New and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the systems in accordance with the plumbing provisions of this code. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of floodwaters into systems and discharges from systems into floodwaters in accordance with the plumbing provisions of this code and in accordance with Chapter 64E-6, *Florida Administrative Code*, Standards for Onsite Sewage Treatment and Disposal Systems.

**R322.1.8 Flood-resistant materials.** Building materials and installation methods used for flooring and interior and exterior walls and wall coverings below the elevation required in Section R322.2 or R322.3 shall be flood damage-resistant materials that conform to the provisions of FEMA TB-2.

**R322.1.9 Manufactured homes.** In addition to the applicable requirements of the state agency with jurisdiction over installation of manufactured homes, installation of manufactured homes in flood hazard areas is subject to the applicable provisions of the local floodplain management ordinance.

**R322.1.10 As-built elevation documentation.** A registered *design professional* shall prepare and seal documentation of the elevations specified in Section R322.2 or R322.3.

**R322.1.11 Structures seaward of a coastal control construction line.** In addition to the requirements of this section, structures located in flood hazard areas and seaward of the coastal construction line shall be designed to resist the predicted forces of a 100-year storm event in accordance with Section R3109 of the *Florida Building Code, Building*, and the more restrictive provisions shall govern.

**R322.2 Flood hazard areas (including A Zones).** Areas that have been determined to be prone to flooding and that are not subject to high-velocity wave action shall be designated as flood hazard areas. Flood hazard areas that have been delineated as subject to wave heights between 1½ feet (457 mm) and 3 feet (914 mm) or otherwise designated by the jurisdiction shall be designated as Coastal A Zones and are subject to the requirements of Section R322.3. Buildings and structures

constructed in whole or in part in flood hazard areas shall be designed and constructed in accordance with Sections R322.2.1 through R322.2.3.

#### R322.2.1 Elevation requirements.

1. Buildings and structures in flood hazard areas, including flood hazard areas designated as Coastal A Zones, shall have the lowest floors elevated to or above the base flood elevation plus 1 foot (305 mm), or the design flood elevation, whichever is higher.
2. In areas of shallow flooding (AO Zones), buildings and structures shall have the lowest floor (including *basement*) elevated to a height above the highest adjacent *grade* of not less than the depth number specified in feet (mm) on the FIRM plus 1 foot (305 mm), or not less than 3 feet (915 mm) if a depth number is not specified.
3. Basement floors that are below *grade* on all sides shall be elevated to or above base flood elevation plus 1 foot (305 mm), or the design flood elevation, whichever is higher.

**Exception:** Enclosed areas below the design flood elevation, including *basements* with floors that are not below *grade* on all sides, shall meet the requirements of Section R322.2.2.

#### R322.2.2 Enclosed area below design flood elevation.

Enclosed areas, including crawl spaces, that are below the design flood elevation shall:

1. Be used solely for parking of vehicles, building access or storage.
2. Be provided with flood openings that meet the following criteria and are installed in accordance with Section R322.2.2.1:
  - 2.1. The total net area of non-engineered openings shall be not less than 1 square inch (645 mm<sup>2</sup>) for each square foot (0.093 m<sup>2</sup>) of enclosed area where the enclosed area is measured on the exterior of the enclosure walls, or the openings shall be designed as engineered openings and the *construction documents* shall include a statement by a registered *design professional* that the design of the openings will provide for equalization of hydrostatic flood forces on *exterior walls* by allowing for the automatic entry and exit of floodwaters as specified in Section 2.7.2.2 of ASCE 24.
  - 2.2. Openings shall be not less than 3 inches (76 mm) in any direction in the plane of the wall.
  - 2.3. The presence of louvers, blades, screens and faceplates or other covers and devices shall allow the automatic flow of floodwater into and out of the enclosed areas and shall be accounted for in the determination of the net open area.

**R322.2.2.1 Installation of openings.** The walls of enclosed areas shall have openings installed such that:

1. There shall be not less than two openings on different sides of each enclosed area; if a building has more than one enclosed area below the design flood elevation, each area shall have openings.
2. The bottom of each opening shall be not more than 1 foot (305 mm) above the higher of the final interior grade or floor and the finished exterior grade immediately under each opening.
3. Openings shall be permitted to be installed in doors and windows; doors and windows without installed openings do not meet the requirements of this section.

**R322.2.3 Foundation design and construction.** Foundation walls for buildings and structures erected in flood hazard areas shall meet the requirements of Chapter 4.

**Exception:** Unless designed in accordance with Section R404:

1. The unsupported height of 6-inch (152 mm) plain masonry walls shall be not more than 3 feet (914 mm).
2. The unsupported height of 8-inch (203 mm) plain masonry walls shall be not more than 4 feet (1219 mm).
3. The unsupported height of 8-inch (203 mm) reinforced masonry walls shall be not more than 8 feet (2438 mm).

For the purpose of this exception, unsupported height is the distance from the finished *grade* of the under-floor space to the top of the wall.

**R322.2.4 Tanks.** Underground tanks shall be anchored to prevent flotation, collapse and lateral movement under conditions of the base flood. Above-ground tanks shall be installed at or above the elevation required in Section R322.2.1 or shall be anchored to prevent flotation, collapse and lateral movement under conditions of the base flood.

**R322.2.5 Pools in flood hazard areas.** Pools that are located in flood hazard areas established by Table R301.2(1), including above-ground pools, on-ground pools, and in-ground pools that involve placement of fill, shall comply with Section R322.2.5.1 or R322.2.5.2.

**Exception:** Pools located in riverine flood hazard areas which are outside of designated floodways.

**R322.2.5.1 Pools located in designated floodways.** Where pools are located in designated floodways, documentation shall be submitted to the building official, which demonstrates that the construction of the pool will not increase the design flood elevation at any point within the jurisdiction.

**R322.2.5.2 Pools located where floodways have not been designated.** Where pools are located in riverine flood hazard areas where design flood elevations are specified but floodways have not been designated, the applicant shall provide a floodway analysis that demonstrates that the proposed pool will not increase the

design flood elevation more than 1 foot (305 mm) at any point within the jurisdiction.

**R322.3 Coastal high-hazard areas (including V Zones and Coastal A Zones, where designated).** Areas that have been determined to be subject to wave heights in excess of 3 feet (914 mm) or subject to high-velocity wave action or wave-induced erosion shall be designated as coastal high-hazard areas. Flood hazard areas that have been designated as subject to wave heights between 1½ feet (457 mm) and 3 feet (914 mm) or otherwise designated by the jurisdiction shall be designated as Coastal A Zones. Buildings and structures constructed in whole or in part in coastal high-hazard areas and coastal A Zones, where designated, shall be designed and constructed in accordance with Sections R322.3.1 through R322.3.7.

**R322.3.1 Location and site preparation.**

1. New buildings and buildings that are determined to be substantially improved pursuant to the *Florida Building Code, Existing Building* shall be located landward of the reach of mean high tide.
2. For any alteration of sand dunes and mangrove stands, the *building official* shall require submission of an engineering analysis that demonstrates that the proposed *alteration* will not increase the potential for flood damage.

**R322.3.2 Elevation requirements.**

1. Buildings and structures erected within coastal high-hazard areas and Coastal A Zones, shall be elevated so that the bottom of the lowest horizontal structural members supporting the lowest floor, with the exception of piling, pile caps, columns, grade beams and bracing, is elevated to or above the base flood elevation plus 1 foot (305 mm) or the design flood elevation, whichever is higher.
2. Basement floors that are below *grade* on all sides are prohibited.
3. The use of fill for structural support is prohibited.
4. Minor grading, and the placement of minor quantities of fill, shall be permitted for landscaping and for drainage purposes under and around buildings and for support of parking slabs, pool decks, patios and walkways.
5. Walls and partitions enclosing areas below the design flood elevation shall meet the requirements of Sections R322.3.4 and R322.3.5.

**R322.3.3 Foundations.** Buildings and structures erected in coastal high-hazard areas and Coastal A Zones shall be supported on pilings or columns and shall be adequately anchored to such pilings or columns. The space below the elevated building shall be either free of obstruction or, if enclosed with walls, the walls shall meet the requirements of Section R322.3.4. Pilings shall have adequate soil penetrations to resist the combined wave and wind loads (lateral and uplift). Water-loading values used shall be those associated with the design flood. Wind-loading values shall be those required by this code. Pile embedment shall include consideration of decreased resistance capacity caused by