

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.

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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.