



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.

There 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	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