

County of Monroe

**Planning & Environmental Resources
Department**

2798 Overseas Highway, Suite 410
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

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:

<u>A. Property Information</u>			
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. Substantial Damage/Improvement – (ASSESSMENT TOOL and/or PERMIT APPLICATION(S))

NO – Not Substantially Damaged (if NO, owner should refer to “Building Permit Requirements for Mobile Home and Manufactured Units” document for repair guidelines)

YES – Substantially Damaged (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)

- Substantially Damaged by FLOOD**
- Substantially Damaged by WIND**
- Substantially Damaged by combination of FLOOD and WIND**

* * * * *

C. ROGO Exemption on File – (PLANNING REVIEWER)

NO (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)

YES (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: