

## **ORDINANCE NO. 010-2022**

**AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, AMENDING THE TOWN CODE OF ORDINANCES AT CHAPTER 50, FLOODS, BY AMENDING ARTICLE III, DEFINITIONS AND ARTICLE IV, FLOOD RESISTANT DEVELOPMENT, TO PROVIDE FOR ACCESSORY STRUCTURES IN FLOOD HAZARD AREAS AND TO SPECIFY ELEVATION OF MANUFACTURED HOMES IN FLOOD HAZARD AREAS; PROVIDING FOR SEVERABILITY; PROVIDING FOR THE REPEAL OF ORDINANCES IN CONFLICT; PROVIDING FOR CODIFICATION; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, the Legislature of the State of Florida has, in Chapter 166 – Municipalities, Florida Statutes, conferred upon local governments the authority to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry; and

**WHEREAS**, the Town of Palm Beach, Florida participates in the National Flood Insurance Program and participates in the NFIP's Community Rating System, a voluntary incentive program that recognizes and encourages community floodplain management activities that exceed the minimum program requirements and achieved a CRS rating of Class 6 community, making citizens who purchase NFIP flood insurance policies eligible for premium discounts; and

**WHEREAS**, in 2020 the NFIP Community Rating System established certain minimum prerequisites for communities to qualify for or maintain class ratings of Class 8 or better; and

**WHEREAS**, to satisfy the prerequisite and for the Town of Palm Beach, Florida to maintain the current CRS rating, all manufactured homes installed or replaced in special flood hazard areas must be elevated to or above at least the base flood elevation plus one foot, which necessitates modification of the existing requirements; and

**WHEREAS**, the Federal Emergency Management Agency released FEMA Policy #104-008-03 Floodplain Management Requirements for Agricultural Structures and Accessory Structures; and

**WHEREAS**, the Town of Palm Beach, Florida has determined it appropriate to adopt regulations that are consistent with the FEMA Policy to allow issuance of permits for non-elevated wet floodproofed accessory structures that are not larger than the sizes specified in the FEMA Policy; and

**WHEREAS**, the Town of Palm Beach, Florida determined that it is in the public interest to amend the floodplain management regulations to better protect manufactured homes and to continue participating in the Community Rating System at the current class rating.

**NOW, THEREFORE, BE IT ORDAINED** by the Town Council of the Town of Palm Beach, Palm Beach County, Florida, as follows:

**Section 1.** The Town Code of Ordinances at Chapter 50, Floods, is hereby amended at Article III, Definitions, Division 2, Definitions, Section 50-137.5, Definitions, specific to the definitions of Accessory Structure, Existing Manufactured Home Park or Subdivision, Expansion to an Existing Manufactured Home Park or Subdivision, Letter of Map Change (LOMC), Market Value and New Manufactured Home Park or Subdivision, as follows:

*Sec. 50-137.5 Definitions.*

*“Accessory structure. A structure on the same parcel of property as a principal structure and the use of which is limited to parking and storage incidental to the use of the principal structure.*

~~*Existing manufactured home park or subdivision. 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 May 15, 1978.*~~

~~*Expansion to an existing manufactured home park or subdivision. The preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured 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).*~~

*Letter of Map Change (LOMC). An official determination issued by FEMA that amends or revises an effective Flood Insurance Rate Map or flood insurance study. Letters of Map Change include:*

*(1) Letter of Map Amendment (LOMA). An amendment based on technical data showing that a property was incorrectly included in a designated special flood hazard area. A LOMA amends the current effective Flood Insurance Rate Map and establishes that a specific property, portion of a property, or structure is not located in a special flood hazard area.*

*(2) Letter of Map Revision (LOMR). A revision based on technical data that may show changes to flood zones, flood elevations, special flood hazard area boundaries and floodway delineations, and other planimetric features.*

*(3) Letter of Map Revision Based on Fill (LOMR-F). A determination that a structure or parcel of land has been elevated by fill above the base flood elevation and is, therefore, no longer located within the special flood hazard area. In order to qualify for this determination, the fill must have been permitted and placed in accordance with the community's floodplain management regulations.*

*(4) Conditional Letter of Map Revision (CLOMR). A formal review and comment as to whether a proposed flood protection project or other project complies with the minimum NFIP requirements for such projects with respect to delineation of special flood hazard areas. A CLOMR does not revise the effective Flood Insurance Rate Map or flood insurance study; upon submission and approval of certified as-built documentation, a Letter of Map Revision may be issued by FEMA to revise the effective FIRM.*

~~Market value. The price at which a property will change hands between a willing buyer and a willing seller, neither party being under compulsion to buy or sell and both having reasonable knowledge of relevant facts. As used in this chapter, the term refers to the market value of buildings and structures, excluding the land and other improvements on the parcel. Market value is the may be established by a qualified independent appraiser, actual cash value (in-kind replacement cost depreciated for age, wear and tear, neglect, and quality of construction) determined by a qualified independent appraiser, or tax assessment value adjusted to approximate market value by a factor provided by the property appraiser.~~

~~New manufactured home park or subdivision. 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 May 15, 1978."~~

**Section 2.** The Town Code of Ordinances at Chapter 50, Floods, is hereby amended at Article IV, Flood Resistant Development, Division 1, Buildings and Structures, by adding Section 50-140, as follows:

"Sec. 50-140. Non-elevated accessory structures. Accessory structures are permitted below elevations required by the Florida Building Code provided the accessory structures are used only for parking or storage and:

(1) If located in special flood hazard areas (Zone A/AE) other than coastal high hazard areas, are one-story and not larger than 600 sq. ft. and have flood openings in accordance with Section R322.2 of the Florida Building Code, Residential.

(2) If located in coastal high hazard areas (Zone V/VE), are not located below elevated buildings and are not larger than 100 sq. ft.

(3) Are anchored to resist flotation, collapse or lateral movement resulting from flood loads.

(4) Have flood damage-resistant materials used below the base flood elevation plus one (1) foot.

(5) Have mechanical, plumbing and electrical systems, including plumbing fixtures, elevated to or above the base flood elevation plus one (1) foot."

**Section 3.** The Town Code of Ordinances at Chapter 50, Floods, is hereby amended at Article IV, Flood Resistant Development, Division 4, Manufactured Homes, by amending Sections 50-172, Foundations, and 50-174, Elevation; by deleting Sections 50-175, General Elevation Requirement and 50-176, Elevation Requirements for Certain Existing Manufactured Home Parks and Subdivisions; and by renumbering Sections 50-177, Enclosures, and 50-178, Utility Equipment, as follows:

"Sec. 50-172. Foundations.

All new manufactured homes and replacement manufactured homes installed in flood hazard areas shall be installed on permanent, reinforced foundations that:

(1) 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 chapter. Foundations for manufactured homes subject to section

~~50-176 of this chapter are permitted to be reinforced piers or other foundation elements of at least equivalent strength.~~

- (2) ~~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 chapter.~~

*Sec. 50-174. Elevation.*

All manufactured homes that are placed, replaced, or substantially improved in flood hazard areas 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 and Coastal A Zone). ~~Manufactured homes that are placed, replaced, or substantially improved shall comply with section 50-175 or 50-176 of this chapter, as applicable.~~

*Sec. ~~50-175. General elevation requirement.~~*

~~Unless subject to the requirements of section 50-176 of this chapter, all manufactured homes that are placed, replaced, or substantially improved on sites located:~~

- ~~(a) Outside of a manufactured home park or subdivision;~~
- ~~(b) In a new manufactured home park or subdivision;~~
- ~~(c) In an expansion to an existing manufactured home park or subdivision; or~~
- ~~(d) 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).~~

*Sec. ~~50-176. Elevation requirement for certain existing manufactured home parks and subdivisions.~~*

~~Manufactured homes that are not subject to section 50-175 of this chapter, 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 either the:~~

- ~~(1) Bottom of the frame of the manufactured home 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); or~~
- ~~(2) Bottom of the frame is supported by reinforced piers or other foundation elements of at least equivalent strength that are not less than 42 inches in height above grade.~~

*Sec. ~~50-175. Sec. 50-177. Enclosures.~~*

~~Enclosed areas below elevated manufactured homes shall comply with the requirements of the Florida Building Code, Residential Section R322.2 or R322.3 for such enclosed areas, as applicable to the flood hazard area.~~

~~(Ord. No. 16-2017, § 2, 8-9-17)~~

*Sec. ~~50-176. Sec. 50-178. Utility equipment.~~*

~~Utility equipment that serves manufactured homes, including electric, heating, ventilation, plumbing, and air conditioning equipment and other service facilities, shall comply with the~~

*requirements of the Florida Building Code, Residential Section R322, as applicable to the flood hazard area.”*

**Section 4.** Severability. If any provision of this Ordinance or the application thereof is held invalid, such invalidity shall not affect the other provisions or applications of this Ordinance which can be given effect without the invalid provisions or applications, and to this end the provisions of this Ordinance are hereby declared severable.

**Section 5.** Repeal of Ordinances in Conflict. All other ordinances of the Town of Palm Beach, Florida, or parts thereof, which conflict with this or any part of this Ordinance are hereby repealed.

**Section 6.** Codification. This Ordinance shall be codified and made a part of the official Code of Ordinances of the Town of Palm Beach, Florida.

**Section 7.** Effective Date. This Ordinance shall take effect immediately upon its passage and approval, as provided by law.

**PASSED AND ADOPTED** in a regular, adjourned session of the Town Council of the Town of Palm Beach on first reading this 11<sup>th</sup> day of May, 2022, and for second and final reading on this 15<sup>th</sup> day of June, 2022.

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Danielle H. Moore, Mayor

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Margaret A. Zeidman, Town Council President

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Bobbie Lindsay, Town Council President Pro Tem

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Julie Araskog, Town Council Member

ATTEST:

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Edward A. Cooney, Town Council Member

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Pat Gayle-Gordon, Acting Town Clerk

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Lewis S.W. Crampton, Town Council Member