

ORDINANCE NO. 2022- \_\_\_\_\_

**AN ORDINANCE OF INDIAN RIVER COUNTY, FLORIDA, AMENDING SECTIONS 930.07 (REVIEW CRITERIA FOR ALL DEVELOPMENT PROJECTS) OF CHAPTER 930 (STORMWATER MANAGEMENT AND FLOOD PROTECTION) OF THE CODE OF INDIAN RIVER COUNTY IN ORDER TO UPDATE REQUIREMENTS PERTAINING TO MANUFACTURED HOMES; PROVIDING FOR CONFLICT AND SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, the Legislature of the State of Florida has, in Chapter 125 (County Government), 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**, Indian River County was accepted for participation in the National Flood Insurance Program on July 3, 1978 and the Board of County Commissioners desires to continue to meet the requirements of Title 44 Code of Federal Regulations, Sections 59 and 60, necessary for such participation; and

**WHEREAS**, the Board of County Commissioners adopted Ordinance No. 2012-36 on November 6, 2012 to revise the floodplain management regulations to coordinate with the Florida Building Code; and

**WHEREAS**, Indian River County 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, achieving a CRS rating of Class 6, making residents and property owners who purchase NFIP flood insurance policies; 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 Indian River County to maintain the current CRS rating, all manufactured homes installed or replaced in special flood hazard areas must be elevated such that the lowest floors are at or above at least the base flood elevation plus 1 foot, which necessitates modification of the existing requirements; and

**WHEREAS**, the Board of County Commissioners 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 BOARD OF COUNTY COMMISSIONERS OF INDIAN RIVER COUNTY, FLORIDA THAT:**

**Section 1. Enactment Authority.**

Article VIII, section 1 of the Florida Constitution and chapter 125, Florida Statutes vest broad home rule powers in counties to enact ordinances, not inconsistent with general or special law, for the purpose of protecting the public health, safety and welfare of the residents of the county. The Indian River County Board of County Commissioners specifically determines that the enactment of this ordinance is necessary to protect the health, safety and welfare of the residents of Indian River County.

**Section 2. Amendment of Section 930.07 (Review criteria of all development projects).**

New language indicated by underline, and deleted language indicated by ~~strike through~~.

Section 930.07 (Review criteria of all development project) of Chapter 930 (Stormwater Management and Flood Protection) of the Code of Indian River County, Florida is hereby amended to read as follows:

**CHAPTER 930 – STORMWATER MANAGEMENT AND FLOOD PROTECTION**

\* \* \*

- (2) Flood protection requirements. When a development project, building or structure is determined to be within a special flood hazard area as defined in County Code Chapter 901, the development, building or structure shall be subject to the requirements of this section.

\* \* \*

(e) *Manufactured homes.*

1. *General.* All manufactured homes installed in flood hazard areas shall be installed by an installer that is licensed pursuant to Section 320.8249, F.S., and shall comply with the requirements of Chapter 15C-1, F.A.C. and the requirements of these floodplain regulations. 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, coastal high-hazard areas, and Coastal A Zones shall be installed on permanent, reinforced foundations in accordance with the

Florida Building Code, Residential Section R322 and these floodplain regulations that:

- ~~a. In flood hazards 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 these floodplain regulations.~~
- ~~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 these floodplain regulations.~~
3. *Anchoring.* All new manufactured homes and replacement manufactured homes shall be installed using methods and practices to which minimize flood damage. Manufactured homes 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 that are located in a flood hazard area, coastal high-hazard areas and Coastal A Zones shall be elevated such that the bottom of the frame is at or above the base flood elevation plus one (1) foot. ~~shall comply with section 930.07(2)(e)5. or 930.07(2)(e)6. of these floodplain regulations, as applicable.~~
- ~~5. *General elevation requirement.* Unless subject to the requirements of section 930.07(2)(e)6. of these floodplain regulations, 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).~~
- ~~6. *Elevation requirements for certain existing manufactured home parks and subdivisions.* Manufactured homes that are not subject to section 930.07(2)(e)5. of these floodplain regulations, 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:~~
  - ~~a. 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~~
  - ~~b. Bottom of the frame is supported by reinforced piers or other foundation elements of at least equivalent strength that are not less than thirty six (36) inches in height above grade.~~
- 5.7. Enclosures. Fully enclosed Enclosed areas below elevated manufactured homes shall comply with the requirements of the Florida Building Code, Residential Section R322 for such enclosed areas, as applicable to the flood hazard area.

6.8. *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.

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**Section 4. Conflict.** All ordinances or parts of ordinances in conflict herewith are hereby repealed.

**Section 5. Severability.** If any part of this ordinance is held to be invalid or unconstitutional by a court of competent jurisdiction, the remainder of this ordinance shall not be affected by such holding and shall remain in full force and effect.

**Section 6. Codification.** It is the intention of the Board of County Commissioners that the provision of this ordinance shall become and be made part of the Indian River County Code, and that the sections of this ordinance may be renumbered or re-lettered and the word ordinance may be changed to section, article or such other appropriate word or phrase in order to accomplish such intention.

**Section 7. Effective Date.** This ordinance shall become effective upon adoption by the Board of County Commissioners and filing with the Department of State.

This ordinance was advertised in the Indian River Press Journal on the \_\_\_ day of \_\_\_\_\_, 2022, for a public hearing to be held on the \_\_\_ day \_\_\_\_\_, 2022, at which time it was moved for adoption by Commissioner \_\_\_\_\_, seconded by Commissioner \_\_\_\_\_, and adopted by the following vote:

Chairman Peter D. O'Bryan	_____
Vice-Chairman Joseph H. Earman	_____
Commissioner Susan Adams	_____
Commissioner Joseph E. Flescher	_____
Commissioner Laura Moss	_____

The Chairman thereupon declared the ordinance duly passed and adopted this \_\_\_ day of \_\_\_\_\_, 2022.

**BOARD OF COUNTY COMMISSIONERS OF INDIAN RIVER COUNTY, FLORIDA**

By: \_\_\_\_\_  
Peter D. O'Bryan, Chairman

**ATTEST: Jeffrey R. Smith, Clerk and Comptroller**

By: \_\_\_\_\_  
Deputy Clerk

EFFECTIVE DATE: This Ordinance was filed with the Department of State on the \_\_\_\_  
day of \_\_\_\_\_, 2022.

