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TOWN OF JUNO BEACH

ORDINANCE NO. 769

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AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF JUNO BEACH, FLORIDA, AMENDING CHAPTER 7, "FLOODPLAIN REGULATIONS," TO UPDATE THE TOWN'S REGULATIONS AND TO MAINTAIN THE TOWN'S NATIONAL FLOOD INSURANCE PROTECTION PROGRAM RATING; AMENDING ARTICLE I, "ADMINISTRATION," BY AMENDING SECTION 7-2, "APPLICABILITY," AND SECTION 7-7, "VARIANCES AND APPEALS;" AMENDING ARTICLE II, "DEFINITIONS," BY AMENDING SECTION 7-12; AMENDING ARTICLE III, "FLOOD RESISTANT DEVELOPMENT," BY AMENDING SECTION 7-21, "BUILDINGS AND STRUCTURES," AND SECTION 7-24, "MANUFACTURED HOMES;" PROVIDING FOR CODIFICATION, SEVERABILITY, CONFLICTS AND AN EFFECTIVE DATE.

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

WHEREAS, the Town of Juno Beach participates in the National Flood Insurance Program and participates in 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 5, 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 Juno Beach 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 1 foot, which necessitates modification of the existing requirements; and

WHEREAS, the Town Council 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 and to make other suggested revisions and updates to the Town's existing Floodplain Regulations.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF JUNO BEACH, FLORIDA as follows:

1 the area from the special flood hazard area.

2
3 (e) *Other laws.* The provisions of this ordinance shall not be
4 deemed to nullify any provisions of local, state or federal law.

5
6 (f) *Abrogation and greater restrictions.* This ordinance chapter
7 supersedes any ordinance in effect for management of development in flood
8 hazard areas. However, it is not intended to repeal or abrogate any existing
9 ordinances including but not limited to land development regulations, zoning
10 ordinances, stormwater management regulations, or the *Florida Building*
11 *Code*. In the event of a conflict between this ordinance and any other
12 ordinance, the more restrictive shall govern. This ordinance shall not impair
13 any deed restriction, covenant or easement, but any land that is subject to
14 such interests shall also be governed by this ordinance.

15
16 (g) *Interpretation.* In the interpretation and application of this
17 ordinance, all provisions shall be:

- 18
19 (1) Considered as minimum requirements;
20
21 (2) Liberally construed in favor of the governing body; and
22
23 (3) Deemed neither to limit nor repeal any other powers granted
24 under state statutes.

25
26 * * *
27

28 **Sec. 7-7. Variances and appeals.**

29
30 (a) *In General.* The zoning board of adjustment and appeals shall
31 hear and decide on requests for appeals and requests for variances from
32 the strict application of this ordinance. Pursuant to section 553.73(5),
33 *Florida Statutes*, the zoning board of adjustment and appeals shall hear and
34 decide on requests for appeals and requests for variances from the strict
35 application of the flood resistant construction requirements of the *Florida*
36 *Building Code*. This section does not apply to Section 3109 of the *Florida*
37 *Building Code, Building*.

38
39 (b) The zoning board of adjustment and appeals shall hear and
40 decide appeals when it is alleged there is an error in any requirement,
41 decision, or determination made by the Floodplain Administrator in the
42 administration and enforcement of this ordinance. Any person aggrieved
43 by the decision may appeal such decision to the Circuit Court, as provided
44 by *Florida Statutes*.

45
46 (c) *Limitations on authority to grant variances.* The zoning board
47 of adjustment and appeals shall base its decisions on variances on

1 technical justifications submitted by applicants, the considerations for
2 issuance in subsection (g) below, the conditions of issuance set forth in
3 subsection (h) below, and the comments and recommendations of the
4 Floodplain Administrator and the Building Official. The zoning board of
5 adjustment and appeals has the right to attach such conditions as it deems
6 necessary to further the purposes and objectives of this ordinance.

7
8 (d) *Restrictions in floodways.* A variance shall not be issued for
9 any proposed development in a floodway if any increase in base flood
10 elevations would result, as evidenced by the applicable analyses and
11 certifications required in Section 7-5(c) of this chapter.

12
13 (e) *Historic buildings.* A variance is authorized to be issued for
14 the repair, improvement, or rehabilitation of a historic building that is
15 determined eligible for the exception to the flood resistant construction
16 requirements of the *Florida Building Code, Existing Building, Chapter 42 11*
17 Historic Buildings, upon a determination that the proposed repair,
18 improvement, or rehabilitation will not preclude the building's continued
19 designation as a historic building and the variance is the minimum
20 necessary to preserve the historic character and design of the building. If
21 the proposed work precludes the building's continued designation as a
22 historic building, a variance shall not be granted and the building and any
23 repair, improvement, and rehabilitation shall be subject to the requirements
24 of the *Florida Building Code*.

25
26 (f) *Functionally dependent uses.* A variance is authorized to be
27 issued for the construction or substantial improvement necessary for the
28 conduct of a functionally dependent use, as defined in this ordinance,
29 provided the variance meets the requirements of subsection (d) above, is
30 the minimum necessary considering the flood hazard, and all due
31 consideration has been given to use of methods and materials that minimize
32 flood damage during occurrence of the base flood.

33
34 (g) *Considerations for issuance of variances.* In reviewing
35 requests for variances, the zoning board of adjustment and appeals shall
36 consider all technical evaluations, all relevant factors, all other applicable
37 provisions of the *Florida Building Code*, this ordinance, and the following:

- 38
39 (1) The danger that materials and debris may be swept onto other
40 lands resulting in further injury or damage;
41
42 (2) The danger to life and property due to flooding or erosion
43 damage;
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- (3) The susceptibility of the proposed development, including contents, to flood damage and the effect of such damage on current and future owners;
- (4) The importance of the services provided by the proposed development to the town;
- (5) The availability of alternate locations for the proposed development that are subject to lower risk of flooding or erosion;
- (6) The compatibility of the proposed development with existing and anticipated development;
- (7) The relationship of the proposed development to the comprehensive plan and floodplain management program for the area;
- (8) The safety of access to the property in times of flooding for ordinary and emergency vehicles;
- (9) The expected heights, velocity, duration, rate of rise and debris and sediment transport of the floodwaters and the effects of wave action, if applicable, expected at the site; and
- (10) The costs of providing governmental services during and after flood conditions including maintenance and repair of public utilities and facilities such as sewer, gas, electrical and water systems, streets and bridges.

(h) *Conditions for issuance of variances.* Variances shall be issued only upon:

- (1) Submission by the applicant, of a showing of good and sufficient cause that the unique characteristics of the size, configuration, or topography of the site limit compliance with any provision of this ordinance or the required elevation standards;
- (2) Determination by the zoning board of adjustment and appeals that:
 - a. Failure to grant the variance would result in exceptional hardship due to the physical characteristics of the land that render the lot undevelopable; increased costs to satisfy the requirements or inconvenience do not

1 constitute hardship;

2
3 b. The granting of a variance will not result in increased
4 flood heights, additional threats to public safety,
5 extraordinary public expense, nor create nuisances,
6 cause fraud on or victimization of the public or conflict
7 with existing local laws and ordinances; and

8
9 c. The variance is the minimum necessary, considering
10 the flood hazard, to afford relief;

11
12 (3) Receipt of a signed statement by the applicant that the
13 variance, if granted, shall be recorded in the Office of the Clerk
14 of the Court in such a manner that it appears in the chain of
15 title of the affected parcel of land; and

16
17 (4) If the request is for a variance to allow construction of the
18 lowest floor of a new building, or substantial improvement of
19 a building, below the required elevation, a copy in the record
20 of a written notice from the Floodplain Administrator to the
21 applicant for the variance, specifying the difference between
22 the base flood elevation and the proposed elevation of the
23 lowest floor, stating that the cost of federal flood insurance will
24 be commensurate with the increased risk resulting from the
25 reduced floor elevation (up to amounts as high as \$25 for
26 \$100 of insurance coverage), and stating that construction
27 below the base flood elevation increases risks to life and
28 property.

29
30 **Section 3.** The Town Council hereby amends Article II, "Definitions," of Chapter
31 7, "Floodplain Regulations," of the Town Code of Ordinances as follows (additional
32 language is underlined and deleted language is ~~stricken through~~):

33
34 **ARTICLE II. DEFINITIONS**

35 * * *

36
37 **Sec. 7-12. Definitions.**

38 * * *

39
40
41
42 *Existing building and existing structure.* Any buildings and structures
43 for which the "start of construction" commenced before December 1, 1978.
44 [Also defined in FBC, B, Section 1612.2.]

45
46 ~~*Existing manufactured home park or subdivision.* A manufactured~~

1 ~~home park or subdivision for which the construction of facilities for servicing~~
2 ~~the lots on which the manufactured homes are to be affixed (including, at a~~
3 ~~minimum, the installation of utilities, the construction of streets, and either~~
4 ~~final site grading or the pouring of concrete pads) is completed before~~
5 ~~December 1, 1978.~~

6
7 ~~*Expansion to an existing manufactured home park or subdivision.*~~
8 ~~The preparation of additional sites by the construction of facilities for~~
9 ~~servicing the lots on which the manufactured homes are to be affixed~~
10 ~~(including the installation of utilities, the construction of streets, and either~~
11 ~~final site grading or the pouring of concrete pads).~~

12
13 * * *

14
15 *Historic structure.* Any structure that is determined eligible for the
16 exception to the flood hazard area requirements of the *Florida Building*
17 *Code, Existing Building, Chapter 12 44* Historic Buildings.

18
19 *Letter of Map Change (LOMC).* An official determination issued by
20 FEMA that amends or revises an effective Flood Insurance Rate Map or
21 Flood Insurance Study. Letters of Map Change include:

22
23 **1.** *Letter of Map Amendment (LOMA):* An amendment based on
24 technical data showing that a property was incorrectly
25 included in a designated special flood hazard area. A LOMA
26 amends the current effective Flood Insurance Rate Map and
27 establishes that a specific property, portion of a property, or
28 structure is not located in a special flood hazard area.

29
30 **2.** *Letter of Map Revision (LOMR):* A revision based on technical
31 data that may show changes to flood zones, flood elevations,
32 special flood hazard area boundaries and floodway
33 delineations, and other planimetric features.

34
35 **3.** *Letter of Map Revision Based on Fill (LOMR-F):* A
36 determination that a structure or parcel of land has been
37 elevated by fill above the base flood elevation and is,
38 therefore, no longer located within the special flood hazard
39 area. In order to qualify for this determination, the fill must
40 have been permitted and placed in accordance with the
41 community's floodplain management regulations.

42
43 **4.** *Conditional Letter of Map Revision (CLOMR):* A formal review
44 and comment as to whether a proposed flood protection
45 project or other project complies with the minimum NFIP
46 requirements for such projects with respect to delineation of

1 special flood hazard areas. A CLOMR does not revise the
2 effective Flood Insurance Rate Map or Flood Insurance Study;
3 upon submission and approval of certified as-built
4 documentation, a Letter of Map Revision may be issued by
5 FEMA to revise the effective FIRM.

6 * * *

7
8
9 *Market value.* ~~The price at which a property will change hands~~
10 ~~between a willing buyer and a willing seller, neither party being under~~
11 ~~compulsion to buy or sell and both having reasonable knowledge of relevant~~
12 ~~facts. As used in this ordinance, the term refers to the market~~ The value of
13 buildings and structures, excluding the land and other improvements on the
14 parcel. Market value may be established by a qualified independent
15 appraiser, is the actual cash value (in-kind replacement cost depreciated
16 for age, wear and tear, neglect, and quality of construction) determined by
17 a qualified independent appraiser, or tax assessment value adjusted to
18 approximate market value by a factor provided by the County Property
19 Appraiser.

20
21 *New construction.* For the purposes of administration of this
22 ordinance and the flood resistant construction requirements of the *Florida*
23 *Building Code*, structures for which the “start of construction” commenced
24 on or after December 1, 1978 and includes any subsequent improvements
25 to such structures.

26
27 ~~*New manufactured home park or subdivision.* A manufactured home~~
28 ~~park or subdivision for which the construction of facilities for servicing the~~
29 ~~lots on which the manufactured homes are to be affixed (including at a~~
30 ~~minimum, the installation of utilities, the construction of streets, and either~~
31 ~~final site grading or the pouring of concrete pads) is completed on or after~~
32 ~~December 1, 1978.~~

33 * * *

34
35
36 **Section 4.** The Town Council hereby amends Article III, “Flood Resistant
37 Development,” of Chapter 7, “Floodplain Regulations,” of the Town Code of Ordinances
38 as follows (additional language is underlined and deleted language is ~~stricken through~~):

39
40
41 **ARTICLE III. FLOOD RESISTANT DEVELOPMENT**

42
43 **Sec. 7-21. Buildings and structures.**

44
45 (a) *Design and construction of buildings, structures and facilities*
46 *exempt from the Florida Building Code.* Pursuant to Section 7-4(c) of this

1 chapter, buildings, structures, and facilities that are exempt from the *Florida*
2 *Building Code*, including substantial improvement or repair of substantial
3 damage of such buildings, structures and facilities, shall be designed and
4 constructed in accordance with the flood load and flood resistant construction
5 requirements of ASCE 24. Structures exempt from the *Florida Building Code*
6 that are not walled and roofed buildings shall comply with the requirements of
7 Section 7-27 of this chapter.

8
9 (b) *Buildings and structures seaward of the coastal construction*
10 *control line.* If extending, in whole or in part, seaward of the coastal
11 construction control line and also located, in whole or in part, in a flood
12 hazard area:

13
14 (1) Buildings and structures shall be designed and constructed to
15 comply with the more restrictive applicable requirements of
16 the *Florida Building Code, Building* Section 3109 and Section
17 1612 or *Florida Building Code, Residential* Section R322.

18
19 (2) Minor structures and non-habitable major structures as
20 defined in section 161.54, *Florida Statutes*, shall be designed
21 and constructed to comply with the intent and applicable
22 provisions of this ordinance and ASCE 24.

23
24 (c) *Amendments to the Florida Building Code.* The Florida
25 *Building Code* is hereby amended with the following local amendments:

26
27 (1) Florida Building Code, Building: The definitions for
28 “substantial damage” and “substantial improvement” shall be
29 as specified in Section 7-12 of this chapter.

30
31 (2) Florida Building Code, Building: In Section 1612, the minimum
32 elevation requirements shall be as specified in ASCE 24 or
33 the base flood elevation plus eighteen inches (18”), whichever
34 is higher.

35
36 (3) Florida Building Code, Existing Building: The definitions for
37 “substantial damage” and “substantial improvement” shall be
38 as specified in Section 7-12 of this chapter.

39
40 (4) Florida Building Code, Residential: In Section R322, the
41 minimum elevation requirements shall be the base flood
42 elevation plus eighteen inches (18”) or the design flood
43 elevation, whichever is higher.

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* * *

Sec. 7-24. Manufactured homes.

(a) *In General.* All manufactured homes installed in flood hazard areas shall be installed by an installer that is licensed pursuant to section 320.8249, *Florida Statutes*, and shall comply with the requirements of Chapter 15C-1, *Florida Administrative Code*, 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.

(b) *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 ordinance. ~~Foundations for manufactured homes subject to subsection (d)(2) below 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 ordinance.

(c) *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.

(d) *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 subsection (d)(1) or (d)(2) below, as applicable.~~

~~(1) *General elevation requirement.* Unless subject to the~~

1 ~~requirements of subsection (d)(2) below, all manufactured~~
2 ~~homes that are placed, replaced, or substantially improved on~~
3 ~~sites located: (a) outside of a manufactured home park or~~
4 ~~subdivision; (b) in a new manufactured home park or~~
5 ~~subdivision; (c) in an expansion to an existing manufactured~~
6 ~~home park or subdivision; or (d) in an existing manufactured~~
7 ~~home park or subdivision upon which a manufactured home~~
8 ~~has incurred "substantial damage" as the result of a flood,~~
9 ~~shall be elevated such that the bottom of the frame is at or~~
10 ~~above the elevation required, as applicable to the flood hazard~~
11 ~~area, in the *Florida Building Code, Residential* Section R322.2~~
12 ~~(Zone A) or Section R322.3 (Zone V).~~

13
14 (2) ~~*Elevation requirement for certain existing manufactured home*~~
15 ~~*parks and subdivisions.* Manufactured homes that are not~~
16 ~~subject to subsection (d)(1) above, including manufactured~~
17 ~~homes that are placed, replaced, or substantially improved on~~
18 ~~sites located in an existing manufactured home park or~~
19 ~~subdivision, unless on a site where substantial damage as~~
20 ~~result of flooding has occurred, shall be elevated such that~~
21 ~~either the:~~

22
23 a. ~~Bottom of the frame of the manufactured home is at or~~
24 ~~above the elevation required, as applicable to the flood~~
25 ~~hazard area, in the *Florida Building Code, Residential*~~
26 ~~Section R322.2 (Zone A) or Section R322.3 (Zone V);~~
27 ~~or~~

28
29 b. ~~Bottom of the frame is supported by reinforced piers or~~
30 ~~other foundation elements of at least equivalent~~
31 ~~strength that are not less than fifty four (54) inches in~~
32 ~~height above grade.~~

33
34 (e) *Enclosures.* Enclosed areas below elevated manufactured
35 homes shall comply with the requirements of the *Florida Building Code,*
36 *Residential* Section R322.2 or R322.3 for such enclosed areas, as
37 applicable to the flood hazard area.

38
39 (f) *Utility equipment.* Utility equipment that serves manufactured
40 homes, including electric, heating, ventilation, plumbing, and air
41 conditioning equipment and other service facilities, shall comply with the
42 requirements of the *Florida Building Code, Residential* Section R322, as
43 applicable to the flood hazard area.

44 * * *

