

**Comprehensive Plan  
Amendment to amend the  
maximum height  
requirements.**

**Comprehensive Plan Text Amendment**  
File 2025-080

Proposed Amendment: deletions are shown in ~~red strike through~~; additions are shown in red underline.

#### Comprehensive Plan Glossary:

*Grade* means the ~~highest natural elevation of the ground surface, prior to construction, next to the proposed walls of a structure, or the~~ crown or curb of the nearest road directly adjacent to the structure, ~~whichever is higher.~~

#### Policy 101.5.30

In order to preserve the existing community character and natural environment, Monroe County shall limit the height of nonresidential and transient structures including landfills to 35 feet. Structures developed exclusively with residential uses shall have a maximum height of 42 feet. Height is defined as the vertical distance between grade and the highest part of any structure, ~~including mechanical equipment, but~~ excluding spires and/or steeples on structures used for institutional and/or public uses only; chimneys; radio and/or television antennas; flagpoles; mechanical equipment; elevator shafts and equipment; solar apparatus; utility poles and/or transmission towers; and certain antenna supporting structures with attached antennas and/or collocations. However, in no event shall any of the exclusions enumerated above be construed to permit any habitable or usable space to exceed the applicable height limitations, except as specifically permitted in Policies 101.5.31, and 101.5.32 ~~and 101.5.33~~. In the case of airport districts, there shall be no exceptions to the ~~35-foot~~ height limitation unless approved by the Federal Aviation Administration (FAA).

(Ord. No. 016-2017, § 1, 9-27-2017)

#### Policy 101.5.31

For Ocean Reef, a gated master planned community which is inaccessible to the surrounding community, and has a distinct community character, nonresidential and transient buildings may include non-habitable architectural decorative features (such as finials, railings, widow's walk, parapets) that exceed the 35-foot height limit in Policy 101.5.30, but such features shall not exceed 5 feet above the building's roofline. This exception shall not result in a building together with any architectural decorative feature with a height that would exceed 40 feet.

In addition, within the Ocean Reef gated master planned community, upon evidence submitted that the proposed building height has been approved by the master association, Ocean Reef Community Association Inc., pursuant to its Building Regulations and Restrictions, buildings containing multifamily residential, transient, and/or nonresidential uses may be developed or redeveloped to a total maximum building height of 60 feet, provided the buildings are limited to four (4) habitable floors. Such development on property owned by Ocean Reef Club, Inc. shall not be required to provide evidence it has been approved by the master association, based on its exemption from master association review under the Ocean Reef gated master planned community's governing documents. As used in this policy, a master planned community means a planned community of 100 or more acres in area subject to a master plan or other development order approved by the county where public access is restricted and the community is operated and maintained by the community including the provision of comprehensive, private utilities and transportation facilities and services within its boundaries and a homeowners association or similar entity which regulates development standards and monitors development requests by its members.

(Ord. No. 016-2017, § 1, 9-27-2017; Ord. No. 046-2019, § 1, 12-11-2019)

1 **Policy 101.5.32**

2 ~~Monroe County shall maintain Land Development Regulations which provide a Flood Protection Height~~  
3 ~~Exception to Policy 101.5.30 to promote public health, safety and general welfare; allow adaptation to~~  
4 ~~coastal flooding, storm surge and other hazards; protect property from flooding and minimize damages;~~  
5 ~~minimize public and private losses due to flooding; minimize future expenditures of public funds for flood~~  
6 ~~control projects and for recovery from flood events; and mitigate rising flood insurance premiums.~~

7  
8 ~~A Flood Protection Height Exception of up to a maximum of five (5) feet above the 35-foot height limit~~  
9 ~~shall be provided to allow lawfully existing buildings to be voluntarily elevated up to three (3) feet above~~  
10 ~~FEMA base flood elevation; and a flood protection height exception of a maximum of three (3) feet~~  
11 ~~above the 35-foot height limit shall be provided to allow new (new construction or substantially~~  
12 ~~improved) buildings to voluntarily elevate up to three (3) feet above FEMA base flood elevation. These~~  
13 ~~exceptions are in order to promote flood protection, minimize flood damage, reduce flood insurance~~  
14 ~~premiums and minimize future expenditures of public funds for recovery from flood events. In no case~~  
15 ~~shall a Flood Protection Height Exception result in a new building exceeding a maximum height of 38~~  
16 ~~feet or a lawfully existing building exceeding a maximum height of 40 feet.~~

17  
18 ~~After the adoption and on the effective date of updated FEMA Flood Insurance Rate Maps (FIRMs),~~  
19 ~~lawfully established existing residential buildings and new residential buildings (includes substantial~~  
20 ~~improvements) located within the Special Flood Hazard Area shall have a maximum height limit of 40~~  
21 ~~feet in order to elevate to or maintain the required elevation based on the *Florida Building Code*, as~~  
22 ~~specified in R322.2.1 and R322.3.2 (elevation requirements).~~

23  
24 ~~Additions to lawfully established existing residential buildings within the Special Flood Hazard Area that~~  
25 ~~are substantial improvements shall have a maximum height limit of 40 feet in order to elevate the addition~~  
26 ~~to the *Florida Building Code* required flood elevation.~~

27  
28 ~~Additions to lawfully established existing residential buildings within the Special Flood Hazard Area~~  
29 ~~that are not substantial improvements shall have a maximum height limit of 40 feet, if the addition~~  
30 ~~meets the *Florida Building Code* flood elevation requirements in R322.2.1 and R322.3.2; the remaining~~  
31 ~~lawfully established existing building shall not receive the flood height exception of 40 feet.~~

32  
33 ~~Any portion of the building within the Special Flood Hazard Area that meets the required flood~~  
34 ~~elevation of the updated FEMA FIRMs shall be given a height limit of 40 feet. In no case shall this~~  
35 ~~height limit for flood protection result in a new residential building or a lawfully existing residential~~  
36 ~~building exceeding a maximum height of 40 feet.~~

37  
38 ~~Updated FEMA FIRMs are the maps adopted subsequent to FEMA Flood Insurance study and the~~  
39 ~~accompanying Flood Insurance Rate Maps, dated February 18, 2005.~~

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41 ~~(Ord. No. 016-2017, § 1, 9-27-2017; Ord. No. 013-2022, § 2(Exh. 1), 8-17-2022; Ord. No. 028-2022, § 2,~~  
42 ~~11-15-2022)~~

43  
44 **Policy 101.5.323**

45 Monroe County shall maintain Land Development Regulations which provide a Flood Protection Height  
46 Exception for lawfully established existing buildings which exceed the 35-foot height limit, to promote  
47 public health, safety and general welfare; allow adaptation to coastal flooding, storm surge and other  
48 hazards; protect property from flooding and minimize damages; minimize public and private losses due  
49 to flooding; minimize future expenditures of public funds for flood control projects and for recovery

1 from flood events; and mitigate rising flood insurance premiums. A lawfully established existing  
2 building may be repaired, improved, redeveloped and/or elevated to meet required FEMA base flood  
3 elevation (BFE) provided the building does not exceed a total maximum building height of 4042 feet,  
4 and the building is limited to the existing lawfully established intensity, floor area, building envelope  
5 (floor to floor height), density and type of use. For lawfully established existing buildings that are  
6 proposed to exceed a total height of 4042 feet, a public hearing before the Planning Commission and the  
7 Board of County Commissioners shall be required to review and specify the maximum approved height  
8 prior to issuance of any county permit or development approval. The Planning Commission shall provide  
9 a recommendation to the BOCC on the maximum height of a building. The BOCC shall adopt a  
10 resolution specifying the maximum approved height.  
11

12 **Policy 101.5.343**

13 Notwithstanding the open space provisions set forth in Policy 101.5.25, Policy 212.2.4, and Chapters  
14 118 and 130 of the Land Development Code, and the minimum required setbacks in Policy 212.2.4, and  
15 Chapters 118, 130, and 131 of the Land Development Code, a lawfully-existing residential dwelling  
16 unit, not including mobile homes, may be elevated above base flood level (design flood elevation) to  
17 reduce flood damage, pursuant to:

- 18 • The lawfully-existing dwelling unit structure is elevated within the original (lawfully-existing)  
19 footprint of the structure.
- 20 • Setbacks and land use open space requirements are waived to allow necessary improvements to a  
21 dwelling unit being retrofitted by elevating the unit to meet or exceed flood levels. The necessary  
22 improvements are limited to ingress/egress structures (stairs, ramps, landings, elevators, etc.). The  
23 waiver provided shall be the minimum necessary to provide access to the structure that is in compliance  
24 with fire code requirements.
- 25 • Side and rear setback and open space requirements are waived to allow accessory elevated platforms  
26 above base flood for equipment (mechanical, plumbing and electrical systems, appliances and  
27 components) situated at least two (2) feet from the side yard property line or at least five (5) feet from  
28 the rear yard property line.
- 29 • Maximum possible shoreline setbacks and open space are to be maintained, and in no event shall a  
30 required shoreline setback be reduced to less than ten (10) feet from mean high water except to  
31 accommodate the lawfully existing footprint of the structure to be elevated.
- 32 • The improvements shall be constructed to avoid off-site discharge of stormwater from the subject  
33 parcel, in accordance with Section 114-3 of the Monroe County Land Development Code.
- 34 • Development shall maintain compliance to the maximum extent practicable, as determined by the  
35 Planning Director.
- 36 • This Policy does not waive any required minimum vegetated setbacks adjacent to wetlands (see Policy  
37 203.1.2 and Policy 204.2.5) and does not authorize any encroachments to a conservation easement.
- 38 • This Policy does not restrict a property owner from proposing other additions or improvements to the  
39 elevated dwelling unit, as long as the additions, enlargements, expansions, and extensions do not create  
40 a nonconformity or cause a further violation to an existing nonconformity.
- 41 • New construction or reconstruction of single-family dwelling units shall comply with the setback and  
42 open space provisions set forth in Policy 101.5.25, Policy 212.2.4, and in Chapters 118, 130, and 131 of  
43 the Monroe County Land Development Code.  
44