



Cover Memorandum/Staff Report

File #: 26-0462

Agenda Date: 4/21/2026

Item #: 7.H.

TO: Mayor and Commissioners
FROM: Anthea Gianniotis, AICP, Development Services Director
THROUGH: Terrence R. Moore, ICMA-CM
DATE: April 21, 2026

RESOLUTION NO. 78-26: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, APPROVING A WAIVER TO THE SEAWALL HEIGHT REQUIREMENTS IN SECTION 7.1.7(D)(1) OF THE LAND DEVELOPMENT REGULATIONS TO ALLOW THE CONSTRUCTION OF A SEAWALL ABOVE THE BASE FLOOD ELEVATION FOR THE PROPERTY LOCATED AT 1310 NW 13TH STREET, AS MORE PARTICULARLY DESCRIBED HEREIN; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES. (QUASI-JUDICIAL)

Recommended Action:

Review and consider Resolution No. 78-26, a waiver request to LDR Section 7.1.7(D) "Seawalls Height Requirements" to allow a seawall above the Base Flood Elevation (BFE) at located at 1310 NW 13th Street.

Background:

The subject property is located at 1310 NW 13th Street and is located in the Lake Ida Overlay District in a Single Family Residential (R-1-AA) Zoning District.

The subject property consists of Lot 1, Lake Ida Estates and has 70 feet of frontage on Lake Ida on the west side. The property is 336 feet long with approximately 145 feet of the property as submerged land within Lake Ida. The property received a permit from Department of Environmental Protection (DEP) and was reviewed for regulatory exemption, propriety authorization, and the federal approval necessary for work to be commenced. The project qualified for all three. The DEP approval specifically states that no further permits are required from the United States Army Corp of Engineers, but local rules still apply.

Pursuant to **LDR Section 7.1.7(D)(1) Seawall Requirements Elevations**. *The maximum elevation of a seawall or dock is determined by the base flood elevation (BFE) for the property, as identified in the corresponding FEMA Flood Insurance Rate Map (FIRM).*

Property owners choosing to construct seawalls at less than five feet NAVD must design and construct seawalls to accommodate a future seawall height extension up to a minimum elevation of five feet NAVD88. The minimum and maximum seawall height requirements are identified in Table 7.1.7(D), Seawall Height Requirements:

Table 7.1.7(D) In a floodplain with a BFE greater than or equal to 5.0 feet NAVD88 the maximum allowable seawall is the BFE of the property.

The request is to replace and install 70-linear foot seawall along the west side of the property. The subject property is identified on the FEMA Flood Map as AE Zone with a BFE of 9 feet. LDR Section

7.1.7(D)(1) states that the *maximum elevation of a seawall or dock is determined by the base flood elevation (BFE) for the property.* The existing seawall is an existing non-conformity at approximately 9.68 NAVD. The applicant is proposing to raise the existing seawall to 11.33 NAVD on the west side of the property.

Analysis

The applicant has submitted a justification, which is attached.

While the BFE is 9 feet NAVD, a new single-family home was constructed in 2022 with a finished floor of approximately 13 feet NAVD. The yard gradually slopes downward from 12.67 to 10.50 feet to approximately 9.68 feet at the existing seawall. Raising the seawall to the proposed height will result in a sea wall that is still lower than the middle of the yard. A 11.33-foot seawall is proposed for a difference of 1.75 feet (21 inches) from the maximum set forth by the regulations.

The intent of LDR Section 7.1. *is to establish a consistent minimum elevation for tidal flood barriers that will provide a standard flood mitigation infrastructure that serves as a barrier to tidal flooding by accounting for water levels predicted under combined conditions of sea level rise, high tides, and high frequency storm surge through the year 2050.*

The reason establishing a maximum seawall height matters is the balance of a sufficient tidal barrier with providing for the benefits of waterfront property, including maintaining views and using elevations that can accommodate water or watercraft access.

Pursuant to **LDR Section 2.4.11(B)(5), Waivers: Findings**, *prior to granting a waiver, the granting body shall make findings that the granting of the waiver:*

- (a) Shall not adversely affect the neighboring area;*
- (b) Shall not significantly diminish the provision of public facilities;*
- (c) Shall not create an unsafe situation; and,*
- (d) Does not result in the grant of a special privilege in that the same waiver would be granted under similar circumstances on other property for another applicant or owner.*

City Attorney Review:

Reviewed to form and legal sufficiency.

Funding Source/Financial Impact:

N/A

Timing of Request:

Once action is taken on the request, the applicant can submit for a building permit application.