



City of Delray Beach

100 N.W. 1st Avenue
Delray Beach, FL 33444

Cover Memorandum/Staff Report

File #: 26-0021

Agenda Date: 2/3/2026

Item #: 7.C.

TO: Mayor and Commissioners
FROM: Anthea Giannotes, AICP, Development Services Director
THROUGH: Terrence R. Moore, ICMA-CM
DATE: February 3, 2026

RESOLUTION NO 29-26. A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, APPROVING A WAIVER TO TABLE 7.1.7(D) OF THE LAND DEVELOPMENT REGULATIONS TO ALLOW A SEAWALL TO BE CONSTRUCTED ABOVE THE BASE FLOOD ELEVATION FOR THE PROPERTY LOCATED AT 614 NW 8TH AVENUE, AS MORE PARTICULARLY DESCRIBED HEREIN; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES (QUASI JUDICIAL).

Recommended Action:

Review and consider Resolution No. 29-26 to Land Development Regulations (LDR) Section 7.1.7 (D), **Seawall Height Requirement**, as identified in the Federal Emergency Management Agency (FEMA) Flood Insurance Map (FIRM) to allow a seawall above the Base Flood Elevation (BFE) located at 614 NW 8th Avenue. (Quasi-judicial)

Background:

The subject property is located at 614 NW 8th Avenue and is located within the Lake Ida Overlay District within a Single Family Residential (R-1-AAA) zoning District.

The subject property consists of Lot 5, Block 3, Lake Ida Shores and adjoins an 80-foot canal with frontage on the west side. The canal deposits into Lake Ida. The subject property received a permit from Department of Environmental Protection (DEP) and was reviewed for regulatory exemption, property 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 a new 80 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 approximately 6.85 feet NAVD. The applicant is proposing a 12-foot seawall on the west side of the property.

Analysis

The applicant has submitted a justification in support of the request, which is attached.

While the required BFE is 9 feet NAVD, a new single family home was constructed in April of 2025 with a finished floor elevation of approximately 18.50 feet NAVD. The yard gradually slopes downward from 16.92 to approximately 8.75 feet at the existing seawall. Raising the seawall will be consistent with the current elevations of the property. A 12-foot seawall will still be lower than the middle of the yard.

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.

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.