



Cover Memorandum/Staff Report

File #: 25-908

Agenda Date: 8/19/2025

Item #: 7.C.

TO: Mayor and Commissioners
FROM: Anthea Gianniotis, AICP, Development Services Director
THROUGH: Terrence R. Moore, ICMA-CM
DATE: August 19, 2025

RESOLUTION NO. 151-25: 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 1020 LAKE SHORE DRIVE, AS MORE PARTICULARLY DESCRIBED HEREIN; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES. (QUASI JUDICIAL)

Recommended Action:

Review and consider Resolution No. 151-25 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 1020 Lake Shore Drive. (Quasi-judicial)

Background:

The subject property is located at 1020 Lake Shore Drive, which is located within the Lake Ida Overlay District within a Single Family Residential (R-1-AAA) zoning District.

The subject property consists of Lot 4, Block 2, Lake Ida Shores and is located along Lake Ida with frontage on the west and south side of the lake. The subject property received a permit from Department of Environmental Protection (DEP) and was reviewed to determine if the application qualified for regulatory exemption, propriety authorization, and federal approval that is 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 it does not make the application exempt from local rules.

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 NAVD88 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 approximately a new 240 linear foot seawall along the west and south 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*. In Lake Ida, a body of water governed by Palm Beach County (PBC), the seawall consists of 3 feet 6 inches NAVD of a mud line. Lake Worth Drainage District (LWDD) requires to maintain a minimum of 7 feet NAVD. The existing seawall is approximately 10 feet NAVD. The applicant is proposing a 12-foot 6-inch seawall on the west and side of the property; an additional 2 feet 6 inches more.

The applicant has submitted the following justification in support of the request:

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.*

By raising the seawall, it will align with modern coastal engineering principles by enhancing storm surge protection and preserving natural drainage. While the required BFE is 9 feet NAVD, the house was constructed in 2014 at approximately 15 feet NAVD with the yard gradually sloping downward. Raising the seawall will be more in line with the current BFE of the property.

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.*

Note: The existing site plan (S-2) indicates that there is an existing wood dock. The applicant does not have (PBC) approval to construct a new dock. Historically, the County relied upon City processing and LDRs for the construction of docks. Recently, the County's policy has changed and they have stopped allowing residents to construct docks on waterways that are County-owned parcels, though many properties have existing docks. The concern cited was broadly the potential environmental impacts to County waterways.

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.