



# DEVELOPMENT SERVICES

BUILDING | HISTORIC PRESERVATION | PLANNING & ZONING

## PLANNING AND ZONING BOARD STAFF REPORT

### Flood Damage Control Districts and Coastal Construction

Meeting	File No.	Application Type
August 12, 2024	2024-185-LDR	Amendment to the Land Development Regulations
Applicant	Property Owner	Authorized Agent
City of Delray Beach, Public Works Department	Not applicable.	Not applicable.

### Request

Provide a recommendation to the City Commission on Ordinance No. 05-24, a City-initiated amendment to the Land Development Regulations (LDR), amending Chapter 10, "Flood Damage Control Districts and Coastal Construction" for compliance with United States Federal Emergency Management Agency (FEMA) National Flood Insurance Program (NFIP) Community Rating System (CRS).

### Background Information

The City participates in the United States Federal Emergency Management Agency (FEMA) National Flood Insurance Program (NFIP) Community Rating System (CRS), a voluntary incentive program that recognizes and encourages community floodplain management activities that exceed the minimum program requirements. Participation in the program affords citizens and property owners in CRS communities the opportunity to obtain discounted premium rates for flood insurance policies.

In 2020, the NFIP CRS established certain minimum prerequisites for communities to qualify for or maintain class ratings of Class 8 or higher. The City currently has a CRS rating of Class 6; Class 1 is the highest possible rating.

The proposed update to Chapter 10, "Flood Damage Control Districts and Coastal Construction" satisfies the prerequisites and maintain the current CRS rating, by adopting the requirement that all manufactured homes installed or replaced in special flood hazard areas must be elevated to at least the base flood elevation plus 1 foot. FEMA issued a revised Flood Insurance Study for Palm Beach County, Florida and Incorporated Areas, with an effective date of December 20, 2024; the proposed update also adopts the accompanying Flood Insurance Rate Maps (FIRM) as the minimum basis for establishing flood hazard areas.

### Description of Proposal

The following changes are proposed to LDR Chapter 10:

- Updates the date of the FEMA issued a revised Flood Insurance Study for Palm Beach County that informs the Flood Insurance Rate Maps (FIRM).
- Updates definitions.
- Updates to Floor Elevation for Manufactured homes. (Updated Base Flood Elevation plus one foot)
- Updates Chapter 2 references consistent with the rewrite adopted in October 2023.

The full draft of Ordinance No. 05-24 is attached.

### Review and Analysis

#### LDR Section 1.1.6, Amendments

*The text of these Land Development Regulations may from time to time be amended, changed, supplemented, or repealed. No such action however, shall be taken until a recommendation is obtained from the Planning and Zoning Board and until a public hearing has been held by the City Commission.*

**Project Contact:**

Juan Moises Cuesta, P.E., PMP, Stormwater Engineer  
Public Works Department  
cuestaj@mydelraybeach.com  
561.243.7220

**Attachments:**

- Ordinance No. 05-24
- FEMA Letter

The recommendation of the Planning and Zoning Board will be provided to the City Commission, where the amendments will be reviewed at two public meetings.

**LDR Section 2.4.7(A)**

*Amendments to the Land Development Regulations may be initiated by the City Commission, City Administration, or by a member of the public.*

The proposed amendment is initiated by the Public Works Department, in order to maintain compliance with Federal Emergency Management Agency (FEMA) National Flood Insurance Program (NFIP) Community Rating System (CRS).

**LDR Section 2.4.7(A)(5), Findings**

*For any approval, the City Commission must make a finding that the text amendment is consistent with the Comprehensive Plan, and that the amendment furthers the implementation of an adopted neighborhood plan, if applicable.*

The following Goals, Objectives, and Policies (GOPs) of the adopted Comprehensive Plan are applicable to the proposed amendment:

**Neighborhoods, Districts, and Corridors Element**

Objective NDC 3.5 Update Land Development Regulations *Regularly review and update the Land Development Regulations to provide timely, equitable and streamlined processes including, but not limited to, building permit processes for residential developments and to accommodate mixed-use developments, address market changes and development trends, and other innovative development practices.*

**Coastal Management Element**

Objective CME 3.7 Participation in the National Flood Insurance Program Community Rating System *Prioritize enhancing participation in the National Flood Insurance Program Community Rating System program administered by the Federal Emergency Management Agency by improving the City's rating.*

Policy CME 3.7.2 *Coordinate climate, vulnerability, sustainability and resiliency activities with Community Rating System cycles to enhance and maximize community outreach activities and result in reductions in flood risk and insurance premiums for residents and businesses.*

The proposed amendment brings the City into compliance with CRS requirements, which is important in maintaining discounted premium rates for flood insurance policies for citizens and property owners in Delray Beach.

**Review By Others**

The **City Commission** is anticipated to review the proposed LDR Amendments at its meetings in September 2024.

**Options for Board Action**

- A. Recommend **approval** to the City Commission of Ordinance No. 05-24; amending Chapter 10 of the Land Development Regulation to comply with Federal Emergency Management Agency (FEMA) National Flood Insurance Program (NFIP) Community Rating System (CRS) requirements; finding that the amendment and approval thereof is consistent with the Comprehensive Plan and meets the criteria set forth in Land Development Regulations.
- B. Recommend **approval** to the City Commission of Ordinance No. 05-24, **as amended**; amending Chapter 10 of the Land Development Regulation to comply with Federal Emergency Management Agency (FEMA) National Flood Insurance Program (NFIP) Community Rating System (CRS) requirements; finding that the amendment, as amended, and approval thereof is consistent with the Comprehensive Plan and meets the criteria set forth in Land Development Regulations.
- C. Recommend **denial** to the City Commission of Ordinance No. 05-24, amending Chapter 10 of the Land Development Regulation to comply with Federal Emergency Management Agency (FEMA) National Flood Insurance Program (NFIP) Community Rating System (CRS) requirements; finding that the amendment and approval thereof is not consistent with the Comprehensive Plan and does not meet the criteria set forth in Land Development Regulation

Public and Courtesy Notices

Courtesy Notices are not applicable to this request.

N/A Public Notices are not required for this request.