

ORDINANCE NO. 15-18

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, AMENDING THE LAND DEVELOPMENT REGULATIONS OF THE CODE OF ORDINANCES BY AMENDING SECTION 4.3.4 "BASE DISTRICT DEVELOPMENT STANDARDS", BY AMENDING PARAGRAPH 4.3.4(J)(2) "BASIS FOR MEASUREMENT", TO AMEND THE BASIS FOR BUILDING HEIGHT MEASUREMENT FOR THOSE PROPERTIES LOCATED FEMA "V" FLOOD ZONE IN COMPLIANCE WITH THE FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA), THE FLORIDA BUILDING CODE, AND THE COASTAL CONSTRUCTION CONTROL LINE (CCCL); AND AMENDING APPENDIX "DEFINITIONS" OF THE LAND DEVELOPMENT REGULATIONS OF THE CODE OF ORDINANCES TO AMEND THE DEFINITION OF "GRADE"; AND PROVIDING A SAVINGS CLAUSE, A GENERAL REPEALER CLAUSE, AND AN EFFECTIVE DATE.

WHEREAS, the Legislature of the State of Florida has, in Chapter 166 -- Municipalities, Florida Statutes, conferred upon local governments the authority to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry; and

WHEREAS, the Federal Emergency Management Agency (FEMA) has identified special flood hazard areas within the boundaries of the City of Delray Beach and such areas may be subject to periodic inundation which may result in loss of life and property, health and safety, hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety and general welfare; and

WHEREAS, Chapter 553, Florida Statutes, was adopted by the Florida Legislature to provide a mechanism for the uniform adoption, updating, amendment, interpretation and enforcement of a state building code, called the Florida Building Code; and

WHEREAS, the City of Delray Beach was accepted for participation in the National Flood Insurance Program (NFIP) on April 9, 1971; and

WHEREAS, the latest Flood Insurance Rate Maps (FIRM) for the City of Delray Beach were effective on October 5, 2017; and

WHEREAS, the Florida Building Code was amended by the Florida Legislature and effective on January 1, 2018, requiring an additional 12 inches above the minimum base flood elevation required by the FIRM and NFIP; and

WHEREAS, the City of Delray Beach City Commission has determined that it is in the public interest to adopt the proposed ordinance that are coordinated with FEMA, NFIP, and the Florida Building Code; and

WHEREAS, pursuant to Florida Statute 163.3174(4)(c), the Planning and Zoning Board, sitting as the Local Planning Agency (LPA), has determined that the amendments are consistent with and further the goals, objectives and policies of the Comprehensive Plan; and

WHEREAS, pursuant to LDR Section 1.1.6, the Planning and Zoning Board reviewed the proposed text amendment at a public hearing held on May 21, 2018, and voted _____ to recommend approval of the ordinance; and

WHEREAS, the City Commission of the City of Delray Beach adopts the findings in the Planning and Zoning Staff Report; and

WHEREAS, the City Commission of the City of Delray Beach finds the Ordinance is consistent with the Comprehensive Plan.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, AS FOLLOWS:

Section 1. That the recitations set forth above are incorporated herein.

Section 2. That Section 4.3.4. “Base District Development Standards”, Subsection (J) “Height”, Subsection (2) “Basis for measurement”, of the Code of Ordinances of the City of Delray Beach, Florida, be and the same is hereby amended as follows:

(a) – (d) *(These subsections shall remain in full force and effect as previously adopted)*

(e) For buildings located within Zone “V” on the adopted Flood Insurance Rate Maps (FIRM), as amended, the grade is established as the higher of the following:

(i) The minimum required finished floor or base flood elevation as published by FEMA and the Florida Building Code, as amended; or,

(ii) The average crest of the dune located within the property limits, measured from north to south.

Section 3. That Appendix A “Definitions”, of the Code of Ordinances of the City of Delray Beach, Florida, be and the same is hereby amended as follows:

GRADE. 1) For buildings adjoining one street, the mean elevation of the crown of the street along the lot frontage. 2) For buildings adjoining more than one street, the average of the

mean elevation of the crown of the adjoining streets. 3) For buildings which are built with adherence to minimum setback requirements, the grade shall be determined as the average of the mean elevation of the street or streets which abut the parcel upon which the building is located. (4) For buildings located within Zone "VE" on the latest adopted Flood Insurance Rate Maps (FIRM), the grade is established as the higher of (i) the minimum required floor or base flood elevation as required by FEMA and the Florida Building Code, or, (ii) the average crest of the dune located within the property limits, measured north to south.

Section 4. That should any section or provision of this Ordinance or any portion thereof, any paragraph, sentence, or word be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the remainder hereof as a whole or part thereof other than the part declared to be invalid.

Section 5. That all ordinances or parts of ordinances in conflict herewith be, and the same are hereby repealed.

Section 6. That this Ordinance shall become effective immediately upon its passage on second and final reading.

PASSED AND ADOPTED in regular session on second and final reading on this _____ day of _____, 2018.

Shelly Petrolia, Mayor

ATTEST:

City Clerk

First Reading _____

Second Reading _____

APPROVED AS TO FORM AND LEGAL
SUFFICIENCY:

R. Max Lohman, City Attorney