



DEVELOPMENT SERVICES

BUILDING | HISTORIC PRESERVATION | PLANNING & ZONING

PLANNING AND ZONING BOARD STAFF REPORT

Ordinance No. 02-19

Meeting	File No.	Application Type
February 25, 2019	2019-114	Land Development Regulations Amendment

Request

Provide a recommendation to the City Commission regarding Ordinance No. 02-19, a City-initiated amendment to the Land Development Regulations, Section 4.3.4 "Base District Development Standards" and Section 4.6.2 "Distance between Residential Buildings" to amend the basis for building height measurement; and, amending Appendix A "Definitions" to add definitions for "Base Flood Elevation," "Finished Grade Elevation," and "Freeboard" and to delete the definition of "Grade."

Recommendation

Recommend **approval** of Ordinance No. 02-19, a City-initiated amendment Land Development Regulations, Section 4.3.4 "Base District Development Standards" and Section 4.6.2 "Distance between Residential Buildings" to amend the basis for building height measurement; and, amending Appendix A "Definitions" to add definitions for "Base Flood Elevation," "Finished Grade Elevation," and "Freeboard," and to remove the definition of "Grade," by adopting the findings of fact and law contained in the staff report and finding that the amendment and approval thereof is consistent with the Comprehensive Plan and meets the criteria set forth in LDR Section 2.4.5(M).

Background Information

Ordinance No. 02-19 seeks to modify the current method building height is measured for several reasons:

- So as not to penalize properties within areas that require elevated finished floor heights by the Federal Emergency Management Agency (FEMA) and the Florida Building Code regulations, and
- To take into consideration the latest adopted Flood Insurance Rate Maps (FIRM) for the City (effective 10/5/2017), and
- To allow 12 inches of freeboard or "extra" elevation height for sustainability and resiliency purposes.

Currently, building height is measured from the starting point using one of two methods:

1. From the average mean elevation of the adjacent crown of road(s); or
2. For properties on the barrier island, from the average crest of the dune located within the property limits.

The proposed amendment makes a distinction between properties located within a designated Special Flood Hazard Area (SFHA) and those not located within the SFHA, and allows an addition 12 inches of freeboard in all areas.

Current FEMA requirements set the base flood elevation for buildings (the lowest finished floor elevation for buildings not located in SFHA or the bottom of the lowest structural member for structures in a SFHA). Florida Building Code then applies additional height (12 inches) to the base flood elevation set by FEMA. In some of the SFHA, the distance between the elevation of the crown of the road (the current basis for building height) and the required elevation of the finished floor under the new FEMA and Florida Building Code requirements substantially reduces the potential height of a building relative to current allowances in the LDRs. Also, the current LDRs do not encourage freeboard – or finished floor elevations higher than the minimum LDR or FEMA/Florida Building Code requirements to increase resiliency.

Review and Analysis

Pursuant to **LDR Section 2.4.5(M)(1)**, amendments to the Land Development Regulations may be initiated by the City Commission, Planning and Zoning Board or City Administration; or an individual.

The proposed amendment is a City-initiated text amendment to the Land Development Regulations.

Project Planner:

Anthea Gianniotis, Principal Planner;
gianniotesa@mydelraybeach.com,
561.243.7325

Attachments:

- Draft Ordinance No. 02-19

Pursuant to **LDR Section 2.4.5(M)(5), Findings**, in addition to LDR Section 1.1.6(A), the City Commission must make a finding that the text amendment is consistent with and furthers the Goals, Objectives and Policies of the Comprehensive Plan.

Pursuant to **Future Land Use Element, Objective A-5**, the City shall maintain its Land Development Regulations, which shall be regularly reviewed and updated, to provide timely, equitable and streamlined processes including, but not limited to, building permit processes for residential developments and to accommodate mixed-use developments, and other innovative development practices.

The proposed amendments provide an updated method for measuring building height in response to new flood zone requirements and future sustainability needs.

Review By Others

The **City Commission** is anticipated to review Ordinance No. 02-19 at its meetings of March 12, 2019 (First Reading) and April 2, 2019 (Second Reading, Final Adoption).

Assessment and Conclusion

The proposed amendment provides an updated method for measuring building height in response to new flood zone requirements and future sustainability needs, and is consistent with the Comprehensive Plan and meets the criteria set forth in LDR Section 2.4.5(M).

Alternative Actions

- A. Move a recommendation of approval, as amended, of Ordinance No. 02-19, a City-initiated request to amend Land Development Regulations Section 4.3.4 "Base District Development Standards" and Section 4.6.2 "Distance between Residential Buildings" to amend the basis for building height measurement; and, amending Appendix A "Definitions" to add definitions for "Base Flood Elevation," "Finished Grade Elevation," and "Freeboard," and to remove the definition of "Grade," by adopting the findings of fact and law contained in the staff report and finding that the amendment and approval thereof is consistent with the Comprehensive Plan and meets the criteria set forth in LDR Section 2.4.5(M).
- B. Move a recommendation of denial of Ordinance No. 02-19, a City-initiated request to amend Land Development Regulations Section 4.3.4 "Base District Development Standards" and Section 4.6.2 "Distance between Residential Buildings" to amend the basis for building height measurement; and, amending Appendix A "Definitions" to add definitions for "Base Flood Elevation," "Finished Grade Elevation," and "Freeboard," and to remove the definition of "Grade," by adopting the findings of fact and law contained in the staff report and finding that the amendment and approval thereof is consistent with the Comprehensive Plan and meets the criteria set forth in LDR Section 2.4.5(M).

Public and Courtesy Notices

☒ Courtesy Notices are not applicable to this request; the draft was sent to a list of Development Services stakeholders including architects, planners, and developers who recently participated in a meeting

☒ Public Notices are not required for this request.

N/A Public Notice was posted at the property 7 calendar days prior to the meeting.

N/A Public Notice was mailed to property owners within a 500' radius 10 days prior to the meeting.

N/A Public Notice was mailed to the adjacent property owners 20 days prior to the meeting.

N/A Public Notice was published in the Sun Sentinel 10 calendar days prior to the meeting.

N/A Public Notice was posted to the City's website 10 calendar days prior to the meeting.

N/A Public Notice was posted in the main lobby at City Hall 10 working days prior to the meeting.

☒ Agenda was posted on Friday, February 15, 2019, at least 5 working days prior to meeting.