



## Cover Memorandum/Staff Report

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**File #:** 19-447

**Agenda Date:** 4/16/2019

**Item #:** 8.A.

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**TO:** Mayor and Commissioners  
**FROM:** Timothy Stillings, Development Services Director  
**THROUGH:** Neal de Jesus, Interim City Manager  
**DATE:** April 16, 2019

ORDINANCE NO. 02-19: 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) "HEIGHT", TO AMEND THE BASIS FOR BUILDING HEIGHT MEASUREMENT; AMENDING SECTION 4.6.2 "DISTANCE BETWEEN RESIDENTIAL BUILDINGS" TO AMEND THE BASIS FOR BUILDING HEIGHT MEASUREMENT; AND AMENDING APPENDIX A "DEFINITIONS" OF THE LAND DEVELOPMENT REGULATIONS OF THE CODE OF ORDINANCES TO ADD DEFINITIONS FOR "BASE FLOOD ELEVATION", "BASE BUILDING ELEVATION", AND "FREEBOARD", AND TO REMOVE THE DEFINITION OF "GRADE"; PROVIDING A CONFLICTS CLAUSE, A SEVERABILITY CLAUSE, AND AUTHORITY TO CODIFY; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES. (SECOND READING)

### **Recommended Action:**

Motion to approve 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:**

Ordinance No. 02-19 seeks to modify the current method for measuring building height to achieve the following:

- To not 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 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.

**City Attorney Review:**

Approved as to form and legal sufficiency.

**Funding Source/Financial Impact:**

N/A

**Timing of Request:**

N/A