



## Cover Memorandum/Staff Report

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**File #:** 21-952

**Agenda Date:** 9/23/2021

**Item #:** 9.A.

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**TO:** Mayor and Commissioners  
**FROM:** Anthea Gianniotis, Development Services Director  
**THROUGH:** Terrence R. Moore, ICMA-CM  
**DATE:** September 23, 2021

ORDINANCE NO. 22-21: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, AMENDING THE CODE OF ORDINANCES, BY AMENDING CHAPTER 100, "NUISANCES," SECTION 100.04, "SEAWALLS," TO ESTABLISH REGULATIONS FOR THE CONSTRUCTION AND MAINTENANCE OF PUBLIC AND PRIVATE SEAWALLS AND PROVIDE FOR GENERAL PENALTIES; PROVIDING A CONFLICTS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AUTHORITY TO CODIFY; AND PROVIDING AN EFFECTIVE DATE. (FIRST READING)

**Recommended Action:**

Consider Ordinance No. 22-21, a City initiated request to amend Chapter 100, *Nuisances*, Section 100.04, *Seawalls* of the Code of Ordinances procedures for enforcement of seawall maintenance standards and a procedure to remedy a violation.

**Background:**

The proposed amendment to the Code of Ordinances implements recommendations from the Intracoastal Waterway Water Level & Infrastructure Vulnerability Study (the "Vulnerability Study") to improve resilience to coastal flooding that has been occurring more frequently and with increased severity in recent years within the city's coastal communities, streets, parks, and other facilities that border the Intracoastal Waterway, primarily associated with seasonal high tide events (commonly referred to as King Tides). The complete Vulnerability Study is provided as an attachment. A parallel amendment to the Land Development Regulations (LDR) is provided for separate consideration as Ordinance No. 23-21, to provide standards for seawall construction and maintenance. The Code of Ordinances currently require seawall maintenance to promote the health, safety, and welfare of life and property within the City, but does not provide procedures for enforcement and remedy. The amendment proposed in Ordinance No. 22-21 establishes the enforcement procedures and mechanism for property owners to comply with established seawall standards.

The Planning and Zoning Board reviewed the proposed Ordinance No. 22-21 with the proposed Ordinance No. 23-21, but does not provide recommendations to amendments to the Code of Ordinances. The Board voted 6-0 to recommend approval of Ordinance No. 23-21, with the understanding that staff will review recommendations provided during public comment and incorporate the changes, as applicable and appropriate.

**City Attorney Review:**

Ordinance No. 22-21 was approved to form and legal sufficiency.

**Funding Source/Financial Impact:**

Not applicable.

**Timing of Request:**

Second reading is anticipated for October 19, 2021.