



## Legislation Text

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File #: 18-332, Version: 1

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**TO:** Mayor and Commissioners  
**FROM:** Timothy Stillings, Planning, Zoning and Building Director  
**THROUGH:** Mark R. Lauzier, City Manager  
**DATE:** June 5, 2018

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. (FIRST READING)

### **Recommended Action:**

Approve Ordinance No. 15-18 on First Reading.

### **Background:**

On October 5, 2017, the Flood Insurance Rate Maps (FIRM) became effective. These maps generally updated and increased the level of accuracy of the flood zones within the City of Delray Beach. The new maps also utilize a different datum (or starting point for elevation measurements) for the maps, changing from National Geodetic Vertical Datum of 1929 (NGVD 29) to the North American Vertical Datum of 1988 (NAVD 88). The difference (or conversion factor) between the datum is approximately 1.53 to 1.56 feet. The new maps establish the flood zones as well as the minimum base flood elevation for structures within the respective zones.

In addition, the Florida Building Code (FBC) was amended and became effective on January 1, 2018. Among several changes to the FBC, one amendment related to the FIRM flood zones was to require structures to be built an additional 12 inches above the minimum base flood elevation or published finished floor elevation.

Both the FIRM and FBC requirements are designed to minimize loss due to flooding in flood hazard areas. However, applying these new regulations within the City's Land Development Code (LDR) results in potentially reducing the buildable height of buildings, particularly within the "V" flood zone. The reduction is due to the defined basis for measurement of height in the LDRs, or the starting point. For most areas of the City, height is generally measured from the mean elevation of the crown of the street along the lot frontage. For properties located within the V flood zone and adjacent to the unaltered dune, the difference between the mean elevation of the crown of the street and the

minimum base flood elevation required (plus 12 inches as required by the FBC) or the dune height may be as much as 10 feet. This results in a reduction of the buildable height by the same amount. Effectively this means the building may only be built to a structural height of 25 feet, where 35 feet is permitted; the difference is the "space" between the elevation of the street and the required finished floor elevation or dune elevation.

The applicant's justification for the proposed text amendment is attached. A map of the V flood zone and a map with the V flood zone overlaid on the zoning map are attached. The proposed amendment to the Land Development Regulations (LDR) is privately-initiated to amend the basis for measurement of height for buildings located within the FEMA "V" flood zone and situated seaward (or partially seaward) of the Coastal Construction Line (1997). The attachments also include the applicant's request, a diagram of the current regulation applied, and a diagram of the proposed change.

The Planning staff has analyzed the proposed text and recommends amending the LDRs as provided in the proposed ordinance and below.

Section 4.3.4(J)(2)

*(Subsections a-d remain unchanged)*

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

- (i) The minimum required floor or base flood elevation as required by FEMA and the Florida Building Code, or,
- (ii) The average crest of dune within the property limits, measured north to south.

The Planning & Zoning Board Report for the May 21, 2018 meeting, is attached and provides the detailed analysis of the request. The Planning & Zoning Board recommended approval with the following changes:

- (ii) average crest of dune Highest point of the unaltered dune within the property limits, measured north to south.
- (iii) the amendment shall be reviewed within two years of the date of adoption.

**City Attorney Review:**

Approved as to form and legal sufficiency.

**Funding Source/Financial Impact:**

N/A

**Timing of Request:**

This is a privately-initiated land development regulation amendment request.