

STAFF REPORT REGULAR MEETING

AGENDA DATE: September 17, 2024

DEPARTMENT: Community Sustainability

TITLE:

Ordinance No. 2024-16 - First Reading – amending Chapter 9 “Buildings and Structural Regulations,” Article I “In General,” Section 9-3 to remove redundant language

SUMMARY:

The proposed ordinance would amend Chapter 9 of the City’s Code of Ordinances, Article I, Section 9-3 – Special Flood-hazard Areas. The proposed amendment would remove a section of the City’s Code which is already adopted by the 2023 Florida Building Code, and is therefore redundant.

MOTION:

Move to approve/disapprove Ordinance 2024-16 on first reading, and to schedule the second reading and public hearing for October 1, 2024.

ATTACHMENT(S):

Ordinance 2024-16

ORDINANCE 2024-16 - AN ORDINANCE BY THE CITY OF LAKE WORTH BEACH, FLORIDA, AMENDING CHAPTER 9 "BUILDINGS AND STRUCTURAL REGULATIONS," ARTICLE 1 "IN GENERAL,"; AND PROVIDING FOR SEVERABILITY, CONFLICTS, CODIFICATION 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 City has determined that it is in the public interest to amend Chapter 9, "Buildings and Structural Regulations," Article 1 "In General," to remove technical amendments to the Florida Building Code that are superseded by the current Florida Building Code.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF LAKE WORTH BEACH, FLORIDA, that:

Section 1: The foregoing "WHEREAS" clauses are ratified and confirmed as being true and correct and are made a specific part of this ordinance as if set forth herein.

Section 2: Chapter 9 "Buildings and Structural Regulations," Article 1 "In General," Division 1 "Administration," Section 9-3 is hereby amended to read as follows:

Sec. 9-3. Special flood hazard area provisions. Reserved.

9-3.1 The Florida Building Code, Residential is hereby amended by the following technical amendments.

R322.2.1 Elevation requirements.

1. Buildings and structures in flood hazard areas not designated as Coastal A Zones shall have the lowest floors elevated to or above the base flood elevation plus 1 foot or the design flood elevation, whichever is higher.

2. Buildings and structures in flood hazard areas designated as Coastal A Zones shall have the lowest floors elevated to or above the base flood elevation plus 1 foot (305 mm), or to the design flood elevation, whichever is higher.

3. In areas of shallow flooding (AO Zones), buildings and structures shall have the lowest floor (including basement) elevated at least as high above the highest adjacent grade as the depth number specified in feet on the FIRM plus 1 foot, or at least 3 feet if a depth number is not specified.

4. Basement floors that are below grade on all sides shall be elevated to or above the base flood elevation plus 1 foot or the design flood elevation, whichever is higher.

Exception: Enclosed areas below the design flood elevation, including basements whose floors are not below grade on all sides, shall meet the requirements of Section R322.2.2.

52 ~~R322.3.2 Elevation requirements.~~

53 ~~1. All buildings and structures erected within coastal high-hazard areas shall be~~
54 ~~elevated so that the lowest portion of all structural members supporting the~~
55 ~~lowest floor, with the exception of mat or raft foundations, piling, pile caps,~~
56 ~~columns, grade beams and bracing, is:~~

57 ~~1.1 Located at or above the base flood elevation plus 1 foot or the design flood~~
58 ~~elevation, whichever is higher, if the lowest horizontal structural member is~~
59 ~~oriented parallel to the direction of wave approach, where parallel shall mean~~
60 ~~less than or equal to 20 degrees (0.35 rad) from the direction of approach, or~~

61 ~~1.2 Located at the base flood elevation plus 2 feet, or the design flood elevation,~~
62 ~~whichever is higher, if the lowest horizontal structural member is oriented~~
63 ~~perpendicular to the direction of wave approach, where perpendicular shall mean~~
64 ~~greater than 20 degrees (0.35 rad) from the direction of approach.~~

65 ~~2. Basement floors that are below grade on all sides are prohibited.~~

66 ~~3. The use of fill for structural support is prohibited.~~

67 ~~4. Minor grading, and the placement of minor quantities of fill, shall be permitted for~~
68 ~~landscaping and for drainage purposes under and around buildings and for~~
69 ~~support of parking slabs, pool decks, patios and walkways.~~

70
71 ~~Exception: Walls and partitions enclosing areas below the design flood elevation shall~~
72 ~~meet the requirements of Sections R322.3.4 and R322.3.5.~~

73
74 **Section 3:** Severability. If any section, subsection, sentence, clause, phrase or portion
75 of this Ordinance is for any reason held invalid or unconstitutional by any court of competent
76 jurisdiction, such portion shall be deemed a separate, distinct, and independent provision, and
77 such holding shall not affect the validity of the remaining portions thereof.

78
79 **Section 4:** Repeal of Laws in Conflict. All ordinances or parts of ordinances in conflict
80 herewith are hereby repealed to the extent of such conflict.

81
82 **Section 5:** Codification. The sections of the ordinance may be made a part of the City
83 Code of Laws and ordinances and may be re-numbered or re-lettered to accomplish such, and
84 the word "ordinance" may be changed to "section", "division", or any other appropriate word.

85
86 **Section 6:** Effective Date. This ordinance shall become effective 10 days after
87 passage.

88
89 The passage of this ordinance on first reading was moved by _____, seconded by
90 _____, and upon being put to a vote, the vote was as follows:

- 91
92 Mayor Betty Resch
93 Vice Mayor Sarah Malega
94 Commissioner Christopher McVoy
95 Commissioner Mimi May
96 Commissioner Reinaldo Diaz

97
98 The Mayor thereupon declared this ordinance duly passed on first reading on the _____
99 day of _____, 2024.

100
101

102 The passage of this ordinance on second reading was moved by _____,
103 seconded by _____, and upon being put to a vote, the vote was as follows:

- 104
- 105 Mayor Betty Resch
- 106 Vice Mayor Sarah Malega
- 107 Commissioner Christopher McVoy
- 108 Commissioner Mimi May
- 109 Commissioner Reinaldo Diaz

110
111 The Mayor thereupon declared this ordinance duly passed on the _____ day of
112 _____, 2024.

113
114 LAKE WORTH BEACH CITY COMMISSION

115
116
117 By: _____
118 Betty Resch, Mayor

119
120 ATTEST:

121
122
123 _____
124 Melissa Ann Coyne, MMC, City Clerk