

# STAFF REPORT REGULAR MEETING

**AGENDA DATE:** October 1, 2024

**DEPARTMENT:** Community Sustainability

**TITLE:**

Ordinance No. 2024-16 – Second 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.

At its meeting on September 17, 2024, the City Commission unanimously voted to approve the ordinance on first reading.

**MOTION:**

Move to approve/disapprove Ordinance 2024-16 amending Chapter 9 “Buildings and Structural Regulations,” Article I “In General,” Section 9-3 to remove redundant language .

**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Structural Regulations," Article 1 "In General," to remove technical amendments to the Florida Building Code that are superseded by the current Florida Building Code.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 Vice Mayor Malega,  
90 seconded by Commissioner May, and upon being put to a vote, the vote was as follows:

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

97  
98 The Mayor thereupon declared this ordinance duly passed on first reading on the 17th day  
99 of September, 2024.

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

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116  
117 By: \_\_\_\_\_  
118 Betty Resch, Mayor

119  
120 ATTEST:

121  
122  
123 \_\_\_\_\_  
124 Melissa Ann Coyne, MMC, City Clerk

# Business Impact Estimate

*This form should be included in the agenda packet for the item under which the proposed ordinance is to be considered and must be posted on the [City's/Town's/Village's] website by the time notice of the proposed ordinance is published.*

Proposed ordinance's title/reference: Ordinance No. 2024-16 -- amending 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

This Business Impact Estimate is provided in accordance with section 166.041(4), Florida Statutes. If one or more boxes are checked below, this means the [City/Town/Village] is of the view that a business impact estimate is not required by state law<sup>1</sup> for the proposed ordinance, but the [City/Town/Village] is, nevertheless, providing this Business Impact Estimate as a courtesy and to avoid any procedural issues that could impact the enactment of the proposed ordinance. This Business Impact Estimate may be revised following its initial posting.

- The proposed ordinance is required for compliance with Federal or State law or regulation;
- The proposed ordinance relates to the issuance or refinancing of debt;
- The proposed ordinance relates to the adoption of budgets or budget amendments, including revenue sources necessary to fund the budget;
- The proposed ordinance is required to implement a contract or an agreement, including, but not limited to, any Federal, State, local, or private grant or other financial assistance accepted by the municipal government;
- The proposed ordinance is an emergency ordinance;
- The ordinance relates to procurement; or
- The proposed ordinance is enacted to implement the following:
  - a. Part II of Chapter 163, Florida Statutes, relating to growth policy, county and municipal planning, and land development regulation, including zoning, development orders, development agreements and development permits;
  - b. Sections 190.005 and 190.046, Florida Statutes, regarding community development districts;
  - c. Section 553.73, Florida Statutes, relating to the Florida Building Code; or
  - d. Section 633.202, Florida Statutes, relating to the Florida Fire Prevention Code.

In accordance with the provisions of controlling law, even notwithstanding the fact that an exemption noted above may apply, the [City/Town/Village] hereby publishes the following information:

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<sup>1</sup> See Section 166.041(4)(c), Florida Statutes.

1. Summary of the proposed ordinance (must include a statement of the public purpose, such as serving the public health, safety, morals and welfare):

Removing old technical amendments that are superseded by current FL Bldg Code

2. An estimate of the direct economic impact of the proposed ordinance on private, for-profit businesses in the [City/Town/Village], if any:

- (a) An estimate of direct compliance costs that businesses may reasonably incur;
- (b) Any new charge or fee imposed by the proposed ordinance or for which businesses will be financially responsible; and
- (c) An estimate of the [City's/Town's/Village's] regulatory costs, including estimated revenues from any new charges or fees to cover such costs.

\$0

3. Good faith estimate of the number of businesses likely to be impacted by the proposed ordinance:

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4. Additional information the governing body deems useful (if any):

*[You may wish to include in this section the methodology or data used to prepare the Business Impact Estimate. For example: [City/Town/Village] staff solicited comments from businesses in the [City/Town/Village] as to the potential impact of the proposed ordinance by contacting the chamber of commerce, social media posting, direct mail or direct email, posting on [City/Town/Village] website, public workshop, etc. You may also wish to include efforts made to reduce the potential fiscal impact on businesses. You may also wish to state here that the proposed ordinance is a generally applicable ordinance that applies to all persons similarly situated (individuals as well as businesses) and, therefore, the proposed ordinance does not affect only businesses].*

There is no business impact with this ordinance.

# STAFF REPORT REGULAR MEETING

**AGENDA DATE:** October 1, 2024

**DEPARTMENT:** Community Sustainability

**TITLE:**

Ordinance No. 2024-13 - First Reading – amending multiple sections of Chapter 23 “Land Development Regulations” to address several housekeeping items and minor changes for clarity

**SUMMARY:**

The subject amendments to the City’s Land Development Regulations (LDRs) were drafted to clarify several provisions, address general housekeeping items, and resolve inconsistencies.

**BACKGROUND AND JUSTIFICATION:**

The subject amendment consists of multiple housekeeping modifications, as well as several other issues that were identified by staff in the building permit and site plan review processes, including:

- **Accessory Indoor Storage:** Adding a definition for accessory storage, including clarifications to the maximum use area, and revising definitions to contractor showroom and low-intensity office uses to allow accessory indoor storage.
- **Use Table:** Revising the single family dwelling use to match the text of the Mixed Use – East zoning district, removing a redundant listing of low-intensity take-out establishments, revising the specialty brewery/distillery use to be permitted with an Administrative Use Permit (AUP) in the Transit Oriented Development East and Artisanal Industrial zoning districts, revising the wholesale use to permitted with an AUP in the Artisanal Industrial zoning district, creating a low-intensity indoor storage use permitted by right in the industrial zoning districts, creating a high-intensity place of worship use, and revising the institutional uses to allow for museums and environmental nature centers in multiple zoning districts.
- **Public Neighborhood Meeting:** Require neighborhood meetings to include an in-person component
- **Roof Overhang Encroachment:** Revising language in multiple zoning districts to correct and clarify the maximum two-foot encroachment of a roof overhang into a side setback.
- **Build-To Line:** Amending language in the Mixed Use – Dixie Highway and Transit Oriented Development East zoning districts to clarify the requirement for a street side build-to line.
- **Fences and Gates:** Clarifying permitted fence height for industrial uses as well as revising and clarifying permitted gate heights and locations for residential, commercial, and industrial uses.
- **Parking:** Creating a definition and standards for ribbon driveways, clarifying the requirement for an access aisle to an ADA parking space, and creating standard dimensions for motorcycle parking spaces.
- **Pools:** Creating a new section to clarify and establish supplementary development standards for residential pools, including setbacks, distance from easements, pool decks, and pool enclosures.