



# TOWN OF HIGHLAND BEACH AGENDA MEMORANDUM

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**MEETING TYPE:** Town Commission Meeting

**MEETING DATE** 01/05/2021

**SUBMITTED BY:** Jeff Remas, Building Official, Building Department

**SUBJECT:** AN ORDINANCE OF THE TOWN OF HIGHLAND BEACH, FLORIDA, AMENDING THE CODE OF ORDINANCES, CHAPTER 30 “ZONING CODE” AND CHAPTER 6 “BUILDINGS AND STRUCTURES” TO ELIMINATE REDUNDANT PROVISIONS RELATING TO FINISH FLOOR ELEVATIONS AND TO REFERENCE THE BASE FLOOD ELEVATION FOR THE HEIGHT OF SEAWALLS; PROVIDING FOR THE REPEAL OF ALL ORDINANCES IN CONFLICT; PROVIDING FOR SEVERABILITY AND CODIFICATION; AND PROVIDING AN EFFECTIVE DATE.

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**SUMMARY:**

Chapter 30 (Zoning Code) and Chapter 6 (Buildings and Structures) of the Town’s Code of Ordinances currently provide several provisions regarding finish floor elevation and general elevation requirements. Upon review of these Chapters, staff determined that several of these provisions are redundant given that they are already addressed in the Florida Building Code (FBC) and/or in Chapter 20 (Planning and Development), Article VI (Floodplain Management) of the Town’s Code of Ordinances. In an effort to provide better clarity and efficiency in the Town Code, staff proposes the following revisions to the Code of Ordinances as provided in the attached Ordinance (deletions are denoted by a ~~strikethrough~~ and additions are denoted by an underline):

Town Code Section	Justification for proposed revision
<del>30-68(u) Finish floor elevation, building height, and Exceptions to building height:</del> <del>(1) Determination of finished floor elevation. Finished floor elevation shall be determined as provided herein.</del> <del>(2) West of SR A1A. For all parcels west of SR A1A, minimum usable finished floor elevation shall be the higher of the following:</del>	These provisions are already covered in the FBC and in the Town’s Floodplain Management provisions of Chapter 20.

~~a. The flood elevation as determined by the United States Federal Emergency Management Agency (FEMA), or successor agency; or~~

~~b. Eighteen (18) inches above the average elevation of the centerline of the nearest public or private road providing access to the site, as measured from lot line to lot line of the affected site.~~

~~c. If a higher minimum elevation is established by the Florida Department of Environmental Protection (DEP) or FEMA, the higher elevation shall be used by the town.~~

~~(3) East of SR A1A. For all parcels east of SR A1A, finished floor elevation shall be at least the "design breaking wave crest or wave approach as superimposed on the storm surge with dynamic wave setup of a 100-year storm" elevation as determined by DEP, as indicated in Figure 30-5. The finished floor elevation shall not exceed the average height of the dune on which the structure is to be located. Use of this finished floor elevation shall be consistent with the standards listed below:~~

~~a. A building permit shall not be issued by the town until approval for the finished floor elevation is granted by the Department of Environmental Protection.~~

~~b. The area below the finished floor elevation shall not be used for sleeping purposes.~~

~~c. The maximum distance from the finished floor elevation of the garage floor to the garage ceiling shall be nine (9) feet and the maximum distance between the ceiling and finished floor elevation of the habitable or similar usable area is thirty (30) inches, as provided in Figure 30-5.~~

~~d. Finished floor elevation for a garage shall be constructed below the greater of the following:~~

~~1. The flood elevation as determined by FEMA; or~~

~~2. Eighteen (18) inches above the average elevation of the centerline of the nearest public or private road providing access to the site, as measured from side lot to side lot line of the affected site.~~

~~(4) — Exceptions to building height. The following exceptions to building height limits for single-family and multi-family units containing up to four (4) dwelling unit dwellings shall be permitted.~~

30-69(c): Parking lots and vehicular use areas:

~~(19) Minimum elevations. Basement parking areas or underground garages shall have a floor elevation of not less than seven and one-half (7½) feet above mean sea level.~~

These provisions are already covered in the FBC and in the Town's Floodplain Management provisions of Chapter 20.

Section 30-86 Hurricane, storm, and flood damage.

These regulations appear to be more

~~(c) Finish floor elevation west of SR A1A. For all parcels west of SR A1A, minimum usable finished floor elevation shall be the higher of the following:~~

~~(1) The flood elevation as determined by the United States Federal Emergency Management Agency (FEMA), or successor agency; or~~

~~(2) Eighteen (18) inches above the average elevation of the centerline of the nearest public or private road providing access to the site, as measured from lot line to lot line of the affected site. If a higher minimum elevation is established by the Florida Department of Environmental Protection (DEP) or FEMA, the higher elevation shall be used by the town.~~

~~(d) Required emergency generators. Required emergency generators or similar power sources of all structures located east and west of A1A shall be constructed at the higher of the following:~~

~~(1) Not less than five (5) feet above the crown of the road on which the property fronts; or~~

~~(2) Nine and one-half (9½) feet above mean sea level, whichever is greater.~~

restrictive than the Town's current Floodplain Management regulations provided in Chapter 20 of the Town Code. These provisions; however, are not justified and do not anticipate future changes. These regulations are already covered in the FBC and in the Floodplain Management provisions of Chapter 20.

~~6-30. Height of ground floor area.~~

~~The ground floor living quarters and emergency power sources of all structures located west of State Road A1A shall not be less than three (3) feet above the crown of the road on which the property fronts.~~

These provisions are already covered in the FBC and in the Town's Floodplain Management provisions of Chapter 20.

~~Sec. 6-31. Special flood hazard area provisions.~~

~~The Florida Building Code, Residential, is hereby amended by the following technical amendments.~~

~~R322.2.1 Elevation requirements.~~

~~1 Building 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.~~

These provisions are already covered in the FBC and in the Town's Floodplain Management provisions of Chapter 20.

<p><del>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.</del></p> <p><del>R322.3.2. Elevation requirements.</del></p> <p><del>1. All buildings and structures erected within coastal high hazard areas shall be elevated so that the lowest portion of all structural members supporting the lowest floor, with the exception of mat or raft foundations, piling, pile caps, columns, grade beams and bracing is elevated to or above the base flood elevation plus 1 foot or the design flood elevation, whichever is higher.</del></p> <p><del>2. Basement floors that are below grade on all sides are prohibited.</del></p> <p><del>3. The use of fill for structural support is prohibited.</del></p> <p><del>4. Minor grading, and the placement of minor quantities of fill, shall be permitted for landscaping and for drainage purposes under and around buildings and for support of parking slabs, pool decks, patios and walkways.</del></p> <p><del>Exception: Walls and partitions enclosing areas below the design flood elevation shall meet the requirements of Sections R322.3.4 and R322.3.5.</del></p>	
<p>Section 6-128(b) All seawalls west of State Road A1A shall be <u>at Base Flood Elevation (BFE) or higher as provided by the FEMA FIRM maps in excess of plus six (+6.00) feet elevation above mean sea level.</u> All seawalls on the Intracoastal Waterway and the Atlantic Ocean shall, at the discretion of the town engineer, have rip rap at the base to dissipate the wave energy and to protect the berm.</p>	<p>According to the FEMA FIRM maps, six (6) feet is the current BFE. By referring solely to the current BFE, any future flood map changes would not require modification to the Town's Code of Ordinances.</p>

At the October 20, 2020 Town Commission meeting, the Commission gave their consensus to follow the recommended changes by staff and have a proposed Ordinance return to them for review and consideration. Since the October 20<sup>th</sup> meeting, the Town Attorney opined that the proposed Ordinance is statutorily required to be considered by the Planning Board given the Ordinance includes amending the Town's Zoning Code (Chapter 30). At the November 12, 2020 Planning Board meeting, the Board recommended approval of the Ordinance (motion carried 7-0).

At the December 1, 2020 Town Commission meeting, the ordinance was passed on first reading.

**FISCAL IMPACT:**

N/A

**ATTACHMENTS:**

Ordinance No. 2021-001

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**RECOMMENDATION:**

Approval of the Ordinance No. 2021-001 on second and final reading.