



## AGENDA MEMORANDUM

### *Planning Department*

City Council Meeting Date: April 17, 2025

**To:** City Council  
**From:** Craig Chandler, AICP, Deputy Planning Director  
**Date:** April 10, 2025

**SUBJECT:** An ordinance amending the Code of Ordinances to promote community resiliency; amending Subpart B, Land Development Code; Chapter 126, Zoning, Article V, Nonconformances, Division 5, Standards for Building-Back (Reconstruction) of Structures Substantially Damaged by a Natural Disaster, Section 126-212, Nonconforming Structures, for the purpose of updating the Land Development Code regulations.

#### REVIEW TIMELINE

Date	Meeting Type	Summary
3/4/2025	Planning Commission	Staff presented background and provided options for discussion.  Planning Commission reached consensus and directed staff to draft a resolution recommending amendment of <u>Sec. 126-212. – Nonconforming structures</u> to provide an exception to height standards for resiliency up to a height of ten (10) feet above existing grade.
3/25/2025	Planning Commission	Planning Commission unanimously approved Resolution 25-02 recommending amendment of <u>Sec. 126-212. – Nonconforming structures</u> with minor editorial revisions.
4/1/2025	City Council	City Council discussed the proposed legislative text and directed staff to prepare an ordinance for First Reading.

**BACKGROUND:** The Land Development Code regulates height in residential districts in two manners – (1) overall height and (2) angle of light. After Hurricane Ian, such standards were amended in all residential districts to accommodate “resiliency” by effectively reducing height restrictions by 4-6 feet depending on location via Ordinance 23-025.

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Properties that undertake new construction or redevelopment are required to comply with these standards. However, lawfully-existing nonconforming structures – for example principal structures located in the Gulf Beach Zone or principal structures that encroach front, side, rear or open body of water setbacks – may apply for reconstruction pursuant to Chapter 126, Article V, Division 5. – Standards for Building Back (Reconstruction) of Structures Substantially Damaged by a Natural Disaster. Therein, Sec. 126-212. – Nonconforming structures requires such structures to be built back in compliance with flood elevation requirements in effect at the time the substantially damaged building is built back. A limited exception to height standards is administered in instances when the requirement to elevate a structure in conformance with flood standards and height limitations are in conflict, allowing a structure to penetrate the primary angle of light or overall height insofar as to achieve compliance with flood elevation requirements.

Staff processed at least twenty (20) permit applications under build-back provisions, many of which involved elevating an existing structure to comply with flood elevation requirements. However, there have been several cases in which a property owner or applicant has met with staff to discuss build-back of a nonconforming structure and have expressed that the existing internal policy exception to height is insufficient for the purposes of their respective projects.

#### Benefits

The proposed amendments will achieve the following:

- Codify existing policy that provides a height exception when reconstruction or elevation of a nonconforming structure, as necessary to comply with minimum flood elevation requirements, conflicts with maximum height or angle-of-light limitations.
- Adopt an additional height exception, for the purpose of increased resiliency from potential storm surge, to allow the height of the lowest habitable floor of a nonconforming structure to be elevated up to ten feet above existing grade and exceed applicable height limitations proportionally.

#### Compliance with Florida Statutes (SB 250)

The proposed legislative text is compliant with the parameters of Senate Bill 250.

**PUBLIC COMMENT:** Staff have not received public comments on this item.

**FISCAL IMPACT:** None.

**RECOMMENDED ACTION:** Move the draft ordinance to second reading on May 6, 2025.

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