

City of Boca Raton



Incorporated 1925

ORDINANCE

5421

1
2 AN ORDINANCE OF THE CITY OF BOCA RATON AMENDING
3 CHAPTER 28, "ZONING," CODE OF ORDINANCES,
4 "DEFINITIONS," TO MODIFY THE DEFINITION OF
5 "ESTABLISHED GRADE" FOR THE PURPOSE OF CHANGING
6 THE CALCULATION FOR DETERMINING "HEIGHT OF A
7 BUILDING" AND "ESTABLISHED GRADE;" AND REPEALING
8 SECTION 28-62, CODE OF ORDINANCES, "VARIANCES FOR
9 HEIGHT OF SINGLE-FAMILY RESIDENCES;" PROVIDING FOR
10 SEVERABILITY; PROVIDING FOR REPEALER; PROVIDING
11 FOR CODIFICATION; PROVIDING AN EFFECTIVE DATE (AM-
12 17-06/17-92500006)

13
14 WHEREAS, at the January 22, 2015 Planning and Zoning Board public hearing, as part
15 of its review of the flood prevention and protection code amendment prescribed in the City of
16 Boca Raton amendments to the Florida Building Code (FBC) which are contained in Chapter 19
17 of the City's Code of Ordinances, the Planning and Zoning Board provided direction to amend
18 the method in how building height is measured; and
19

1 WHEREAS, the Development Services Department has recommended amending the
2 Code of Ordinances to incorporate a modified definition of established grade in order to provide
3 a new fixed elevation based on the four (4) floor elevation criteria in Chapter 19 of the City's
4 Code, which are to be used to determine the starting point in measuring the height of a building
5 and eliminate using the average crown of the pavement on the public or private streets abutting
6 a plot as a factor in calculating the height of a building; and

7 WHEREAS, the Development Services Department has recommended amending the
8 Code of Ordinances to incorporate a modified definition of "height of building' or 'height of
9 structures'" in order to eliminate using the center of the front of the building as the beginning
10 point in measuring the height of a building; and

11 WHEREAS, the Development Services Department has recommended repealing
12 Section 28-62, Code of Ordinances, which allows the City Council to grant a height variance of
13 up to five percent of the allowed height for single family residences, as the proposed changes to
14 the definitions of "established grade" and "height of building' or 'height of structures'" will
15 eliminate the inherent problem that measuring height from the crown of the adjacent road which
16 creates inconsistent relationship between the grade of the plots proposed for single family
17 construction and the crown of the adjacent road; and

18 WHEREAS, the Planning and Zoning Board, after notice and a public hearing, has
19 considered the proposed amendments to the Code of Ordinances, more specifically described
20 herein, and upon taking testimony of interested parties, has submitted its recommendation to
21 the City Council; and

22 WHEREAS, the City Council, after notice and public hearing, has considered the
23 proposed amendments to the Code of Ordinances, the recommendations of the Planning and
24 Zoning Board and all public comments; and

25 WHEREAS, the proposed amendments to the Code of Ordinances are consistent with
26 the City of Boca Raton Comprehensive Plan; now therefore

1 THE CITY OF BOCA RATON HEREBY ORDAINS:

2
3 Section 1. Chapter 28, "Zoning," Article I, "In General," Section 28-2, Code of
4 Ordinances, "Definitions" is hereby amended to read:

5 Sec. 28-2 The following words, terms and phrases, when used in this chapter, shall
6 have the meanings ascribed to them in this section, except where the context clearly indicates
7 a different meaning:

8 * * *

9 "Established grade" shall mean ~~the average elevation of the crown of the pavement on~~
10 ~~the public or private streets abutting the plot. However, if a public or private street abutting the~~
11 ~~plot is elevated because of the construction of a bridge or overpass, the established grade shall~~
12 ~~be the average elevation of the crown of the pavement leading to and including the point of~~
13 ~~vertical curvature which fixes the beginning of the elevation of the ramp approach for the bridge~~
14 ~~or overpass. The point of vertical curvature will be determined by the roadway profile design~~
15 ~~plans for the bridge or overpass. If there is no pavement, the average elevation of the natural~~
16 ~~terrain of the plot shall be used as the established grade~~ the required minimum lowest floor
17 elevation as prescribed in the City of Boca Raton amendments to the Florida Building Code
18 (FBC) contained in Chapter 19 of this Code.

19 * * *

20 "Height of building" or "height of structures" shall mean the vertical distance from the
21 established grade ~~at the center of the front of the building~~ to the highest point of the structures
22 (excluding public utility poles) or of the roof surface if a flat roof, to the deck line for mansard
23 roofs, and to the mean height level of a single continuous roof line between eaves and ridges for
24 gable, hip and gambrel roofs. However, at no time shall the foregoing definition permit the
25 highest point of the building or structure attached to a building to exceed the maximum height by
26 more than 10 feet. Uninhabitable scenery lofts, towers, cupolas, steeples, and domes,

1 collectively not exceeding in gross area, at maximum horizontal section, 30 percent of the roof
2 area, flagpoles, airplane beacons, broadcasting towers, antennas, chimneys, stacks, tanks,
3 elevator or stair bulkheads and roof structures used only for ornamental or mechanical
4 purposes, need not be included in measuring the height of building or structure. Parapet walls
5 may extend not more than 5 feet above the allowable height of a building.

6 * * *

7 Section 2. Chapter 28, "Zoning," Article II, "Adminiostration," Division 1, "Site Plans,"
8 Section 28-62, "Variances for height of single-family residences" is hereby deleted in its entirety
9 and this section is amended to read:

10 Section 28-62. - Reserved ~~Variances for height of single-family residences.~~

11 ~~(1) Variance. Notwithstanding the other provisions of article III of chapter 28, the City~~
12 ~~Council, after a public hearing with public notice as required in this section, may grant variances~~
13 ~~for building heights of single-family residences in excess of the maximum allowable height of no~~
14 ~~more than 5 percent of the maximum allowable height. In no case shall the height of a single-~~
15 ~~family home exceed 35 feet.~~

16 ~~(2) Notice. A notice of the public hearing shall be published in a newspaper of general~~
17 ~~circulation in the City not less than 10 days prior to the date of the public hearing.~~

18 ~~(3) Conditions. The City Council may impose such conditions in a development order~~
19 ~~granting a variance as are necessary to accomplish the goals, objectives and policies of the~~
20 ~~Comprehensive Plan and this section, including but not limited to limitations on size, bulk,~~
21 ~~location, requirements for landscaping, buffering, lighting, and provisions of adequate ingress~~
22 ~~and egress.~~

23 ~~(4) Standards for granting variances. When granting a variance, the City Council shall~~
24 ~~make the following findings:~~

25 ~~(a) Special and unique conditions exist which are peculiar to the petitioner's case and~~
26 ~~which are not generally applicable to the property located in the zoning district;~~

1 ~~(b) The special and unique conditions are not directly attributable to the actions of the~~
2 ~~petitioner;~~

3 ~~(c) The literal interpretation of this chapter, as applied to the petitioner, would deprive the~~
4 ~~petitioner of rights commonly enjoyed by the owners of other property in the zoning district;~~

5 ~~(d) The variance granted is the minimum variance necessary for the petitioner to make~~
6 ~~reasonable use of the property;~~

7 ~~(e) Granting the variance is not detrimental to the public welfare, or injurious to property~~
8 ~~or improvements in the zoning district or neighborhood involved; and~~

9 ~~(f) Granting the variance is not contrary to the objectives of the Comprehensive Plan of~~
10 ~~the city.~~

11 ~~(5) Expiration of variances. A variance granted by the City Council shall automatically~~
12 ~~expire under the following conditions:~~

13 ~~(a) The variance shall expire 18 months from the date of the written determination of the~~
14 ~~City Council granting the variance if a building permit has not been issued in accordance with~~
15 ~~the plans and conditions upon which the variance was granted; and~~

16 ~~(b) The variance shall expire if a building permit issued in accordance with the plans and~~
17 ~~conditions upon which the variance was granted expires and is not renewed pursuant to the~~
18 ~~applicable provisions regarding renewal of building permits.~~

19 Section 2. If any section, subsection, clause or provision of this ordinance is held
20 invalid, the remainder shall not be affected by such invalidity.

21 Section 3. All ordinances and resolutions or parts of ordinances and resolutions and all
22 sections and parts of sections in conflict herewith shall be and hereby are repealed.

23 Section 4. Codification of this ordinance in the City Code of Ordinances is hereby
24 authorized and directed.

25 Section 5. This ordinance shall take effect immediately upon adoption.
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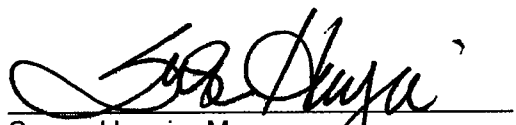
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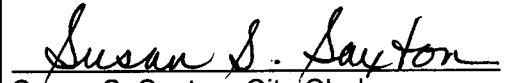
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PASSED AND ADOPTED by the City Council of the City of Boca Raton this 14th day
of November 2017.


CITY OF BOCA RATON, FLORIDA

ATTEST:


Susan Haynie, Mayor


Susan S. Saxton, City Clerk

Approved as to form:


for Diana Grub Frieser
City Attorney

COUNCIL VOTE			
	YES	NO	ABSTAINED
MAYOR SUSAN HAYNIE	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
DEPUTY MAYOR JEREMY RODGERS	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
COUNCIL MEMBER ANDREA LEVINE O' ROURKE	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
COUNCIL MEMBER SCOTT SINGER	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
COUNCIL MEMBER ROBERT S. WEINROTH	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>