

ORDINANCE NO. 22-17

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, AMENDING THE LAND DEVELOPMENT REGULATIONS OF THE CODE OF ORDINANCES, BY AMENDING CHAPTER 10, "FLOOD DAMAGE CONTROL DISTRICTS AND COASTAL CONSTRUCTION" SECTION 10.1.2, "APPLICABILITY"; PARAGRAPH (C), "BASIS FOR ESTABLISHING FLOOD HAZARD AREAS", TO UPDATE THE FLOOD INSURANCE STUDY DATE AND FLOOD INSURANCE RATE MAPS; PROVIDING A CONFLICTS CLAUSE, A SEVERABILITY CLAUSE, AND AUTHORITY TO CODIFY; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

WHEREAS, the Legislature of the State of Florida has, in Chapter 166, 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 of Delray Beach participates in the National Flood Insurance Program and the City Commission of the City of Delray Beach desires to continue to meet the requirements of Title 44 Code of Federal Regulations, Sections 59 and 60, necessary for such participation; and

WHEREAS, the Federal Emergency Management Agency has revised and reissued the Flood Insurance Study for Palm Beach County, Florida and Incorporated Areas, with an effective date of October 5, 2017; and

WHEREAS, the City of Delray Beach has determined that it is in the public interest to amend Chapter 10, "Flood Damage Control Districts and Coastal Construction" of the Land Development Regulations of the City of Delray Beach to identify the effective date of the revised Flood Insurance Study and Flood Insurance Rate Maps.

WHEREAS, pursuant to LDR Section 1.1.6, the Planning and Zoning Board reviewed the proposed text amendment at a public hearing held on June 19, 2017 and voted 7 to 0 to recommend that the changes be approved; and

WHEREAS, pursuant to Florida Statute 163.3174(4)(c), the Planning and Zoning Board, sitting as the Local Planning Agency, has determined that the change is consistent with and furthers the goals, objectives and policies of the Comprehensive Plan; and

WHEREAS, the City Commission of the City of Delray Beach adopts the findings in the Planning and Zoning Staff Report; and

WHEREAS, the City Commission of the City of Delray Beach finds the ordinance is consistent with the Comprehensive Plan.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, THAT THE FOLLOWING AMENDMENT IS HEREBY ADOPTED:

Section 1. That the recitations set forth above are incorporated herein.

Section 2. That Section 10.1.2, “Applicability”, Paragraph (C), “Basis for Establishing Flood Hazard Areas”, of the Land Development Regulations of the Code of Ordinances of the City of Delray Beach, Florida, be and the same is hereby amended to read as follows:

(A) — (B) (These subsections shall remain in full force and effect as previously adopted)

(C) **Basis for Establishing Flood Hazard Areas:** The Flood Insurance Study ~~and Wave Height Analysis, Delray Beach, Palm Beach County, Florida dated January 5, 1989~~ for Palm Beach County, Florida, and Incorporated Areas dated October 5, 2017, and all subsequent amendments and revisions, and the accompanying Flood Insurance Rate Maps (FIRM), and all subsequent amendments and revisions to such maps, are adopted by reference as a part of ~~the Floodplain Management Regulations~~ this ordinance and shall serve as the minimum basis for establishing flood hazard areas. Studies and maps that establish flood hazard areas are on file at the Delray Beach Building Division, 100 NW 1st Avenue, Delray Beach, Florida.

(D) — (G) (These subsections shall remain in full force and effect as previously adopted)

Section 3. For the purposes of jurisdictional applicability, this ordinance shall apply in the City of Delray Beach. This ordinance shall apply to all applications for development, including building permit applications and subdivision proposals, submitted on or after the effective date of this ordinance

Section 4. That should any section or provision of this ordinance or any portion thereof, any paragraph, sentence, or word be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the remainder hereof as a whole or part thereof other than the part declared to be invalid.

Section 5. That all ordinances or parts of ordinances in conflict herewith be, and the same are hereby repealed.

Section 6. That this ordinance shall become effective on October 5, 2017.

PASSED AND ADOPTED in regular session on second and final reading on this the ____ day of _____, 2017.

M A Y O R

ATTEST:

City Clerk

First Reading _____

Second Reading _____