

**PLANNING AND ZONING BOARD
STAFF REPORT**

MEETING DATE: June 19, 2017

ITEM: VIII.C

AGENDA ITEM: File Number 2017-183: ORDINANCE 22-17 – A CITY INITIATED AMENDMENT 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 AND EFFECTIVE DATE; AND FOR OTHER PURPOSES.

ITEM BEFORE THE BOARD

The item before the Board is that of making a recommendation to the City Commission regarding Ordinance 22-17, a City-initiated amendment to Chapter 10 of the Land Development Regulations, “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

BACKGROUND & DESCRIPTION

The purpose of this amendment is to update the name and date of the study. The maps will come official on October 5, 2017.

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.

These regulations shall be known as the Floodplain Management Regulations of the City of Delray Beach. The provisions of the Floodplain Management Regulations shall apply to all development that is wholly within or partially within any flood hazard area, including but not limited to the subdivision of land; filling, grading, and other site improvements and utility installations; construction, alteration, remodeling, enlargement, improvement, replacement, repair, relocation or demolition of buildings, structures, and facilities that are exempt from the Florida Building Code; placement, installation, or replacement of manufactured homes and manufactured buildings; installation or replacement of tanks; placement of recreational vehicles; installation of swimming pools; and any other development.

The purposes of the Floodplain Management Regulations and the flood load and flood resistant construction requirements of the Florida Building Code are to establish minimum

requirements to safeguard the public health, safety, and general welfare and to minimize public and private losses due to flooding through regulation of development in flood hazard areas.

The proposed amendments are as follows:

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:

(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.

ANALYSIS

Pursuant to **LDR Section 2.4.5(M)(1)**, *amendments to the Land Development Regulations may be initiated by the City Commission, Planning and Zoning Board or City Administration; or an individual.*

STAFF COMMENT:

The proposed amendments are amending Ordinance 32-16 that was adopted on second reading by the City Commission at its December 6, 2016. This amendment was directed by the contractor who is working with the state to ensure the proper adoption of the FIRM maps and ordinances.

Pursuant to **LDR Section 2.4.5(M)(5), Findings**, *in addition to LDR Section 1.1.6(A), the City Commission must make a finding that the text amendment is consistent with and furthers the Goals, Objectives and Policies of the Comprehensive Plan.*

A review of the objectives and policies of the adopted Comprehensive Plan was conducted and the following applicable Objectives and Policies were noted:

CONSERVATION

- Objective B-3: *The City shall implement programs and techniques to protect property from erosion and deterioration created by the impacts of wind and water.*
Establishing Floodplain Management Regulations within flood hazard areas will further protect properties from water impact.

PUBLIC FACILITIES

- Goal Area E: *Property damage and inconvenience to the public created by flooding and poor street conditions shall be substantially reduced and, where possible, eliminated throughout the City.*
The amendment to the Ordinance aims to minimize public and private losses due to flooding through regulation of development in flood hazard areas.

COASTAL MANAGEMENT

- Goal Area D: *The City shall enhance its efforts for preparing for and handling disasters within the coastal region, shall prepare for redevelopment in the event that a disaster does occur, and shall develop programs for the protection of property and safety of individuals in circumstances other than disasters.*
Updating the Flood Insurance Study Date and Flood Insurance Rate Maps is a fundamental part in enhancing safety efforts to prepare for disasters.

STAFF ANALYSIS:

The proposed amendments to LDR Chapter 10 "Flood Damage Control Districts and Coastal Construction" updates the name and date of study to ensure that the code reflects the accurate information.

REVIEW BY OTHERS

As this is a City initiated amendment, there was no additional review. Such comments can be presented at either the Planning and Zoning Board meeting or at the City Commission meetings.

RECOMMENDED ACTION

Recommend **approval** to the City Commission of Ordinance 22-17, a City-initiated LDR amendment to revise 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; by adopting the findings of fact and law contained in the staff report, and finding that the amendments and approval thereof is consistent with the Comprehensive Plan and meets the criteria set forth in LDR Section 2.4.5(M).

Report by: Mark E Stivers, AICP Principal Planner

Attachments: Draft Ordinance 22-17